JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1944

VOL. I

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on the fifteenth day of March, 1944

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

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COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1944

TUESDAY, JANUARY 4, 1944

At a General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the city of Frankfort, on Tuesday, the fourth day of January in the year of Our Lord, one thousand nine hundred and forty-four and the one hundred and fifty-second year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, W. A. Perry, Clerk of the House of Representatives during the session of the General Assembly last passed, called the House to order and after prayer by the Reverend Fred T. Moffitt of the Baptist Church, produced and read the following certificate from the Secretary of State, viz.:

CERTIFICATE

I, Charles K. O'Connell, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the following is a true and correct list of the names of the State Representa-

tives elected to serve in the 1944 Session of the General Assembly of Kentucky, according to the records in my office:

First District	Harry L. Waterfield	(D)
Second District	C. R. Reeves	(D)
Third District	Adron Doran	(D)
Fourth District	Charles W. Burnley	(D)
Fifth District	A. Roy Copeland	(D)
Sixth District	Alden L. (Chick) Love	(D)
Seventh District	W. B. Moser	(D)
Eighth District	Joe E. Nunn	(D)
Ninth District	Frank H. Bassett, Jr.	(D)
Tenth District	John Henry Cox	(D)
Eleventh District	Willis Champion	(R)
Twelfth District	Faust Y. Simpson	(D)
Thirteenth District	Fred Creasey	(D)
Fourteenth District	Lee Allen Rhoads	(D)
Fifteenth District	Douglas T. Bolling	(D)
Sixteenth District	Wade H. Riley	(D)
Seventeenth District	W. H. Hunt	(R)
Eighteenth District	C. W. Taylor	(R)
Nineteenth District	C. S. (Sid) Nabb	(D)
Twentieth District	J. T. Linton	(D)
Twenty-first District	J. Lee Moore	(D)
Twenty-second District	Harry W. Ennis	(D)
Twenty-third District	Pearl McKinney	(R)
Twenty-fourth District	Coy C. Nevitt	(R)
Twenty-fifth District	Clyde S. Howard	(D)
Twenty-sixth District	J. W. Simmons	(D)
Twenty-seventh District	Leonard W. Preston	(D)
Twenty-eighth District	James T. Philpott	(R)
Twenty-ninth District	Egbert V. Taylor	(R)
Thirtieth District	J. Robert Spaulding	(R)
Thirty-first District	Joe Stewart	(D)
Thirty-second District	John C. Newcomb	(D)
Thirty-third District	Johnston Miller	(D)
Thirty-fourth District	Thos. S. Dawson	(R)

Thirty-fifth District	William C. Peterson	(D)
Thirty-sixth District	Henry Thieman, Jr.	(R)
Thirty-seventh District	Albert W. Pfeiffer	(R)
Thirty-eighth District	Sylvester Phillips	(R)
Thirty-ninth District	Leon J. Shaikun	(D)
Fortieth District	Bernie S. Edlin	(R)
Forty-first District	E. A. Spencer	(R)
Forty-second District	Charles W. Anderson	(R)
Forty-third District	Fred W. Schuhmann	(R)
Forty-fourth District	James P. Hallahan	(R)
Forty-fifth District	H. G. Royalty	(D)
Forty-sixth District	H. Clay Kauffman	(D)
Forty-seventh District	Dr. J. Chester Gabbard	(R)
Forty-eighth District	Kleber F. Price	(D)
Forty-ninth District	Charles B. Gentry	(R)
Fiftieth District	J. R. Dorman	(D)
Fifty-first District	Franklin Goins	(D)
Fifty-second District	Harry F. Walters	(D)
Fifty-third District	J. C. (Carroll) Bradley	(D)
Fifty-fourth District	R. M. (Coke) Hall	(D)
Fifty-fifth District	J. Gip Prather	(D)
Fifty-sixth District	H. C. Patterson	(D)
Fifty-seventh District	Morrison Kavanaugh	(D)
Fifty-eighth District	James E. Quill	(D)
Fifty-ninth District	Paul S. Jonas	(D)
Sixtieth District	Sylvester J. Wagner	(D)
Sixty-first District	George W. Steinford	(D)
Sixty-second District	George T. Smith	(R)
Sixty-third District	Carl Scheben	(D)
Sixty-fourth District	Roy L. Taylor	(D)
Sixty-fifth District	John H. Clarke, Jr.	(D)
Sixty-sixth District	C. D. (Jack) Call	(D)
Sixty-seventh District	Edward P. Prichard	(D)
Sixty-eighth District	T. M. Swope	(D)
Sixty-ninth District	John P. Craig	(D)
Seventieth District	Herbert V. Moore	(R)

Seventy-first District	John L. Trumbo	(R)
Seventy-second District	B. C. (Toby) Holbrook	(R)
Seventy-third District	Arthur Stallard	(R)
Seventy-fourth District	Fred Carpenter	(D)
Seventy-fifth District	C. C. May	(D)
Seventy-sixth District	Benton Howard	(D)
Seventy-seventh District	R. E. West	(R)
Seventy-eighth District	W. N. Hughes	(R)
Seventy-ninth District	E. B. Thompson	(R)
Eightieth District	Marvin Cornett	(R)
Eighty-first District	Otis C. Thomas	(R)
Eighty-second District	T. H. Dyer	(R)
Eighty-third District	Isaac Blevins	(R)
Eighty-fourth District	Homer E. Losey	(R)
Eighty-fifth District	L. D. Moore	(R)
Eighty-sixth District	J. D. Gross	(R)
Eighty-seventh District	Claude L. Hammons	(R)
Eighty-eighth District	G. M. Knuckles	(R)
Eighty-ninth District	John W. Burkhart	(D)
Ninetieth District	J. J. Huff	(R)
Ninety-first District	Ed Marcum	(R)
Ninety-second District	Harry L. Moore	(R)
Ninety-third District	Taylor Witt	(R)
Ninety-fourth District	William E. Justice	(R)
Ninety-fifth District	Amos Runyan	(D)
Ninety-sixth District	Bill Biggers	(D)
Ninety-seventh District	Jerry Fonce Howell	(D)
Ninety-eighth District	Henry Arrowood	(R)
Ninety-ninth District	Lee Johnson	(R)
One Hundredth District	Vernon Seaton	(R)

Done at Frankfort, Kentucky, this 4th day of January in the year of our Lord, One Thousand Nine Hundred and Forty-four; and of the Commonwealth, the One Hundred Fifty-Second.

CHARLES K. O'CONNELL,
Secretary of State, Commonwealth of Kentucky.

The Assistant Clerk called the roll and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
E. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

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The oath of office as required by the Constitution was then administered to each and all of said members by The Honorable Will H. Fulton, Chief Justice of the Court of Appeals.

The said Clerk then announced that the election of the Speaker of the House of Representatives was in order.

Mr. Quill named The Honorable Harry Lee Waterfield of the County of Hickman, as a suitable person to fill said office.

Mr. Marcum named The Honorable Egbert Taylor of the County of Green, as a suitable person to fill said office.

There being no further nominations for the office of Speaker of the House of Representatives, the vote being taken thereon resulted as follows, viz:

For Mr. Waterfield:

F. H. Bassett, Jr.	Clyde S. Howard	Kleber F. Price
W. G. Biggers	Jerry F. Howell	E. P. Prichard
Douglas T. Bolling	Paul S. Jonas	James E. Quill
J. C. Bradley	H. Clay Kauffman	C. R. Reeves
Jno. W. Burkhart	M. Kavanaugh	L. Allen Rhoads
Chas. W. Burnley	J. T. Linton	Wade H. Riley
C. D. Call	A. L. Love	H. G. Royalty
Fred Carpenter	C. C. May	Amos Runyon
Jno. H. Clarke, Jr.	Johnston Miller	Carl Scheben
A. Roy Copeland	Herbert V. Moore	Leon J. Shaikun
John Henry Cox	J. Lee Moore	Jno. W. Simmons
John P. Craig	W. B. Moser	Faust Y. Simpson
Fred Creasey	C. Sid Nabb	Geo. W. Steinford
Adron Doran	Jno. C. Newcomb	Joe Stewart
J. R. Dorman	Joe E. Nunn	Thos. M. Swope
Harry W. Ennis	H. C. Patterson	Egbert V. Taylor
Franklin Goins	Chester Peterson	Roy L. Taylor
R. M. Hall	J. Gip Prather	S. J. Wagner
Benton Howard	L. W. Preston	Harry F. Walters

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For Mr. Taylor:

Chas. W. Anderson	W. N. Hughes	Vernon Seaton
Henry Arrowood	W. H. Hunt	George T. Smith
Isaac Blevins	Lee Johnson	Robt. J. Spaulding
Willis Champion	Wm. E. Justice	E. A. Spencer
Marvin Cornett	G. M. Knuckles	Arthur Stallard
Thos. S. Dawson	Homer E. Losey	C. W. Taylor
T. H. Dyer	Pearl McKinney	H. Thieman, Jr.
Bernie S. Edlin	Ed Marcum	Otis C. Thomas
Dr. J. C. Gabbard	Harry L. Moore	E. B. Thompson
Chas. B. Gentry	L. D. Moore	John L. Trumbo
J. D. Gross	Coy C. Nevitt	H. L. Waterfield
Jas. P. Hallahan	Albert W. Pfeiffer	R. E. West
Claude Hammons	Sylvester Phillips	Taylor Witt
B. C. Holbrook	James T. Philpott	
J. J. Huff	F. W. Schuhmann	—43

The Honorable Harry Lee Waterfield, having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared by the Chief Clerk to be duly elected Speaker of the House of Representatives.

The Chief Clerk aforesaid, appointed Messrs. Egbert Taylor, J. Lee Moore, Allen Rhoads, Adron Doran, Faust Simpson, John Henry Cox, Jerry Howell, C. D. Call, Kleber Price and Franklin Goins as a committee to inform the Speaker elect of the action of the House and to escort him to the Chair.

After a time the Committee aforesaid accompanied The Honorable Harry Lee Watterfield onto the floor of the House, who, having taken his place at the Speaker's desk, expressed his appreciation for the honor conferred upon him, and announced that he was now ready to take the oath of office, which oath was administered by The Honorable Will H. Fulton, Chief Justice of the Court of Appeals.

The Speaker then announced that the next order of business was the election of a Chief Clerk of the House and other minor offices to be filled by the House, in accordance with the Constitution.

Thereupon Mr. Quill named the Honorable Brooks L. Hargrove of the County of Jefferson as a suitable person for the office of Chief Clerk of the House,

Ernest M. Ford of the County of Daviess, for Assistant Clerk,

Priscilla Hart of the County of Lyon, for Enrolling Clerk,

E. L. Hagan of the County of Hardin, for Sergeant-at-Arms,

Henry Grimes, of the County of Warren, for Doorkeeper,

Elzie Shires, of the County of Kenton, for Janitor,

Ben Graham of the County of Webster, for Cloakroom Keeper,

Walter Robinson of the County of Shelby, for Cloakroom Keeper,

Woodford May of the County of Morgan, Robert Miller of the County of Spencer, E. B. Dunkan of the County of Campbell and Sonny Frymire of the County of Breckinridge, for Pages.

There being no further nominations for said offices, the Speaker directed the Chief Clerk of the House to cast one vote on behalf of the entire House, for all those parties above named to fill the offices set opposite their names.

The Chief Clerk, having cast one vote for the entire House as above directed, declared said parties duly elected to said offices.

Thereupon all of the said officers above named appeared before the bar of the House and took the oath of office as required by the Constitution and laws of Kentucky, which oath was administered by The Honorable Will H. Fulton, Chief Justice of the Court of Appeals.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said Committee shall, in conjunction with a like Committee to be appointed from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Said resolution was adopted.

Thereupon the Speaker appointed the following as members constituting said Committee:

S. J. Wagner, Chairman	Willis Champion
Johnston Miller	Claude Hammons
L. Allen Rhoads	James R. Dorman

Mr. Quill offered the following resolution, viz:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Rules of the 1942 Regular Session of the House of Representatives, as adopted by the aforesaid body and practiced by that body, be used and practiced by this 1944 Session of this body, temporarily and until such time as permanent rules are adopted.

Said resolution was adopted.

Mr. J. Lee Moore moved that the Speaker be requested to appoint a Committee whose duty it shall be to see that adequate rooms are made available for meetings of the Standing Committees of this House during this Regular Session of the 1944 General Assembly.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Leonard Preston, Chairman, Fred Carpenter, W. H. Hunt and Paul Jonas as members constituting said Committee.

Mr. Quill offered the following resolution, viz:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Said resolution was adopted.

Mr. Quill offered the following resolution, viz:

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Speaker be empowered to employ such assistants in and about the House chamber during this session of the General Assembly as to him appears necessary and as he deems advisable under the provisions of Chapter 88 of the Acts of 1936, and K. R. S. 6.230.

The funds provided for the payment of assistants employed under this resolution shall be expended at the direction of the Speaker.

Said resolution was adopted.

Mr. Quill offered the following resolutions, viz:

H. Res. 1. Resolution appropriating the sum of Seven Hundred and fifty ($750.00) dollars for a contingent fund for the Clerk of the Senate and Seven Hundred and fifty ($750.00) for the Clerk of the House.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions as a contingent fund, the sum of seven hundred and fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the Acts of 1942 for legislative sessions as a contingent fund, the sum of seven hundred and fifty ($750.00) dollars. Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

H. Res. 2. Resolution appropriating additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz:

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House

of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230 inadequate for the proper functioning of the business of the Senate and the House during 1944 regular session.

Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Cloakroom Keeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230 the sum of Thirty Dollars ($30.00) per diem, for each body, for the duration of the 1944 regular session.

2. That the aforesaid amount shall be pro rated among the aforenamed constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and

employees as provided in Chapter 88 of the Acts of the General Assembly of 1936, and K. R. S., 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1944 regular session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

Said resolution is as follows, viz:

WHEREAS, it is a matter of importance and convenience that each Representative and each Senator be advised as to the various and detailed steps of legislation; and

WHEREAS, the General Assembly for each of the past sessions since 1912 has approved and adopted as its official publication "The Legislative Digest," published under the management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and prompt manner; now, therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky and the Senate of the Commonwealth of Kentucky concurring, that:

§ 1. The C. T. Dearing Printing Company hereby is authorized, requested and directed to furnish two hundred (200) copies of "The Legislative Digest" daily for delivery and distribution as hereinafter provided. The C. T. Dearing Printing Company will be paid the sum of two thousand and

five hundred ($2,500.00) dollars for furnishing two hundred copies of "The Legislative Digest" daily as provided in this Resolution, which amount hereby is fixed, determined, approved and allowed as a contingent expense of the 1944 regular session of the General Assembly of Kentucky. Said amount will be paid on or before March 30, 1944, out of the appropriation made by Chapter I of the Acts of 1942 for legislative sessions. The C. T. Dearing Printing Company will present to the Speaker of the House and to the President of the Senate its bill for two thousand and five hundred ($2,500.00) dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved the Department of Finance shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

§ 2. The C. T. Dearing Printing Company hereby is directed to furnish and deliver daily to the Clerk of the House one hundred and ten (110) copies of "The Legislative Digest" for distribution to the Members of the House and to such officers of the House as the Speaker may direct; to furnish and deliver daily to the Clerk of the Senate forty-five (45) copies of "The Legislative Digest" for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct; and to furnish and deliver daily the remaining forty-five (45) copies of "The Legislative Digest" to the Governor of the Commonwealth of Kentucky and to such departments, officers and employees of the Commonwealth as the Governor of the Commonwealth, the President of the Senate and the Speaker of the House may direct. The Speaker of the House, the President of the Senate and the Governor of the Commonwealth hereby are requested to furnish to the C. T. Dearing Printing Company

a list of the departments, officers and employees to whom said copies are to be furnished as hereinabove provided.

The word "daily" as hereinabove used shall be construed to mean each day that the House or Senate is in session.

§ 3. "The Legislative Digest" hereby is adopted and approved as the official publication of the General Assembly of Kentucky.

§ 4. The Clerk of the House of Representatives, on the passage of this Resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance as a charge against the appropriation hereinabove referred to.

Ordered that said resolutions be printed and referred.

Mr. Quill moved that the Rules of this House be suspended for the purpose of the introduction of bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz:

By Mr. Scheben, and Mr. Prichard.

H. B. 1. An Act relating to Revenue and Taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Common-of Kentucky:

§ 1. Sections 141.010 to 141.220, inclusive, and sections 141.230 and 141.990, of the Kentucky Revised Statutes of 1942, are repealed.

By Mr. C. W. Taylor.

H. B. 2. An Act relating to Public Holidays.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2.115 of the Kentucky Revised Statutes of 1942, being a compilation of chapter 149 of the Acts of 1942, is repealed.

§2. Whereas, the suspension of holidays has caused an unwarranted interference with the effective operation of business activities, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. C. W. Taylor.

H. Res. 4. Resolution appropriating $127.50 claimed due F. J. Alsop.

Said resolution is as follows, viz:

A RESOLUTION appropriating from the General Fund the sum of one hundred and twenty-seven dollars and fifty cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

WHEREAS, F. J. Alsop has never been paid for his services in completing a survey of abandoned coal mines in

Hancock County in February, 1934, which survey was made for a mine-sealing project for the State Department of Health of Kentucky.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of one hundred and twenty-seven dollars and fifty cents ($127.50), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of F. J. Alsop.

Ordered that said bills and resolution be printed and referred.

The Speaker announced the membership of the following Standing Committees of the House, viz:

COMMITTEE ON APPROPRIATIONS No. 1

J. Lee Moore, Chairman
Claude Hammons
Roy Taylor
James Quill
Faust Simpson
Jerry Howell
Ed Marcum
Adron Doran
Harry Walters

WAYS AND MEANS

Charles Burnley, Chairman
Clyde Howard
J. E. Steinford
Frank Bassett, Jr.
H. C. Patterson
Joe Nunn
Fred Creasey
James Quill
John Henry Cox

Thereupon the Speaker announced that he had referred bills and resolutions previously introduced, as follows, viz:

H. Res. 1 To Committee on Appropriations No. 1

H. Res. 2 To Committee on Appropriations No. 1

H. Res. 3 To Committee on Appropriations No. 1

H. B. 1 To Committee on Appropriations No. 1

Mr. Quill moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

Ten minutes having expired, the Speaker resumed the Chair and called the House to Order.

The Speaker announced the following as members constituting the Committee on Rules, who are to study and draft new Rules for governing the House during the 1944 Regular Session:

Faust Simpson, Chairman.

James Quill

J. Lee Moore

Mr. J. Lee Moore moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committee on Appropriations No. 1 to which the same had been previously referred, reported resolutions of the following titles, viz:

H. Res. 1. Resolution appropriating the sum of Seven Hundred and fifty dollars for a contingent fund for the Clerk

of the Senate, and appropriating the sum of Seven Hundred and fifty dollars ($750.00) for a contingent fund for the Clerk of the House.

H. Res. 2. Resolution appropriating additional compensation for officers and employees of the House and Senate.

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

With the expression of opinion that said resolutions ought to pass.

Said resolutions were each and severally read at length the first time and ordered to be placed on the calendar.

Ordered that the session of today be extended indefinitely.

Mr. Wagner moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bill and resolution were introduced:

By Mr. Wagner.

H. B. 3. An Act relating to Revenue and Taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 141.010 to 141.220, inclusive, and sections 141.230 and 141.990, of the Kentucky Revised Statutes of 1942, are repealed.

By Mr. Rhoads.

H. Res. 5. Joint Resolution providing for postage, telephone, supplies, etc. to each member of the present General Assembly.

Said resolution is as follows, viz.:

A JOINT RESOLUTION providing an allowance for postage, telephone, stationery, supplies and stenographic work, to each member of the present General Assembly, and the Lieutenant-Governor.

WHEREAS the proper representation of the citizens of this Commonwealth requires that the members of the General Assembly keep in constant touch with the citizens of the districts which such members represent, by correspondence and by telephone, and

WHEREAS no provision has heretofore been made to enable members of the General Assembly to convey messages by telephone and by correspondence to the citizens whom they represent or to make adequate inquiry of such citizens as to their desires with regard to proposed legislation, and

WHEREAS to make the funds available for such purpose will enable the performance of a public service which has not previously been performed, NOW THEREFORE

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each member of the present General Assembly shall be entitled to the sum of three hundred dollars, and the Lieutenant-Governor shall be entitled to the sum of five hundred dollars, as an allowance for postage, telephone, stationery, supplies and stenographic work. Such allowances shall be paid at the beginning of the session, and shall be in lieu of the allowance made by KRS 6.220.

§ 2. Such allowances shall be paid by the State Treasury out of the General Funds, upon warrant of the Department of Finance issued on the requisition of the Clerks of the respective Houses.

WHEREAS it is necessary that the allowances provided for by this resolution be made forthwith in order to properly expedite the business of the present General Assembly, an emergency is declared to exist and this resolution shall be effective from and after its passage and approval by the Governor.

Ordered that said bill and resolution be printed and referred.

The Speaker announced that he had referred

H. Res. 5. To Committee on Ways and Means.

Mr. Wagner of the Committee heretofore appointed by the Speaker to notify the Senate that the House was now organized and ready to proceed to the transaction of business and to wait upon the Governor, in conjunction with a like Committee on the part of the Senate, announced that they had discharged the duties imposed upon them and that they had been informed by the Governor that he would address a Joint Session of the House of Representatives and the Senate of Kentucky on Monday, January 10 at two o'clock P.M.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at eleven o'clock A.M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 5, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Adron Doran, Member of the House.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford

Joe Stewart	H. Thieman, Jr.	Harry F. Walters
Thos. M. Swope	Otis C. Thomas	H. L. Waterfield
C. W. Taylor	E. B. Thompson	R. E. West
Egbert V. Taylor	John L. Trumbo	Taylor Witt
Roy L. Taylor	S. J. Wagner	—95

Mr. Hammons moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Wagner moved that the privilege of the floor be extended to Messrs. George Gothard and Pierce Long of Campbell County.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Mr. Tom Ferguson of Henderson, Kentucky.

Said motion was agreed to.

Mr. Scheben moved that the privilege of the floor be extended to Mr. Stanley C. Moebus.

Said motion was agreed to.

Mr. Howard moved that the Chief Clerk make a request for ten copies of the Kentucky Revised Statutes to be made available for the use of the House members.

Said motion was agreed to.

Mr. J. Lee Moore offered the following resolution, viz.:

H. Res. 7. Whereas, the present world war is being fought to give freedom to the world, freedom from fear, freedom of worship, freedom of speech and freedom from want, and

Whereas, men and women of our beloved country are on the far-flung battle fronts and on home fronts in defense plants, and

Whereas, these men and women are willing to sacrifice their lives that the people of the earth may govern themselves and rid the world of dictators, and

Whereas, the citizens of Kentucky owe a debt of gratitude to the men and women of Kentucky who are thus engaged that can never be amply paid, and

Whereas, under the fundamental law of the Commonwealth of Kentucky these men and women are deprived of the right of suffrage, and

Whereas, there is pending in the Congress of the United States and Absentee Service Mens' Voting Act, Therefore

Be It Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring, that we respectfully urge the Congress of the United States to pass an Act that would give to our Service Men and Women whereever engaged in defense work, the right to vote in all state and national elections.

Be It Further Resolved that a copy of these resolutions be mailed by the Clerk of the House of Representatives to the President of the United States, to the President of the Senate of the United States, to the Clerk of the House of Representatives of the United States, to Senator Alben W. Barkley, to Senator A. B. Chandler, and to every member of the House of Representatives of the United States from Kentucky.

Said resolution was adopted.

The Chief Clerk of the House announced that he had received notice of contest in the case of Allen S. Hamilton, Con-

testant, versus Henry Thieman, Jr. Contestee from the Thirty-sixth Legislative District.

Mr. Quill moved that nine members be selected in accordance with the requirements of the Constitution and the Statutes of Kentucky, to determine the contest in said case and made a report to this House, and that the Chief Clerk be directed to proceed with the selection of said Committee in conjunction with the Speaker of the House.

Said motion was agreed to.

The Speaker then announced that the House would proceed according to law and pursuant to the provisions of the motion above set out, to select by lot nine members to constitute said Board to determine the contest to the right to a seat in this House in the case aforesaid.

Mr. Quill moved that in case the names of the Speaker, Harry Lee Waterfield, or the Floor Leader, James E. Quill were drawn, that they be excused by the House from service on said Committee.

Without objection, said motion was agreed to.

The names of the members, with the exception of the Contestee, were written on separate pieces of paper, rolled and placed in a box by the Chief Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of nine members of the House therefrom separately, which were opened and read aloud by the Speaker of the House: Charles B. Gentry, Johnson Miller, L. D. Moore, Carl Scheben, J. Lee Moore, Willis Champion, Kleber F. Price, Joe E. Nunn and Benton Howard.

Whom the Speaker declared members of said Committee.

Whereupon the members of said Committee appeared before the bar of the House where the oath of office was administered by the Speaker.

The Chief Clerk then announced that he had received notice of contest in the case of Charles Spillman, Contestant, versus Sylvester Phillips, Contestee from the Thirty-eighth Legislative District.

Mr. Quill moved that nine members be selected in accordance with the requirements of the Constitution and the Statutes of Kentucky, to determine the contest in said case and make a report to this House, and that the Chief Clerk be directed to proceed with the selection of said Committee in conjunction with the Speaker of the House.

Said motion was agreed to.

Mr. Quill moved that in case the names of the Speaker, Harry Lee Waterfield, or the Floor Leader, James E. Quill were drawn, that they be excused by the House from service on said Committee.

Without objection, said motion was agreed to.

The names of the members, with the exception of the Contestee, were written on separate pieces of paper, rolled and placed in a box by the Chief Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of nine members of the House therefrom separately, which were opened and read aloud by the Speaker of the House: Messrs. John D. Gross, W. G. Biggers, Johnston Miller, Gip J. Prather, Morrison Kavanaugh, C. C. May, Harry F. Walters, Allen L. Rhoads and Charles W. Burnley.

Mr. Losey moved that Mr. Rhoads be excused from service on said Committee.

Without objection, Mr. Rhoads was excused.

Mr. Pfeiffer moved that Mr. May be excused from service on said Committee.

Without objection, Mr. May was excused.

The Speaker then directed the Chief Clerk to draw two additional names from the box aforesaid.

The Chief Clerk drew the names of two members of the House therefrom separately, which were opened and read aloud by the Speaker: T. H. Dyer and Bernie S. Edlin.

Whom the Speaker declared members of said Committee.

Whereupon the members of said Committee appeared before the bar of the House where the oath of office was administered by the Speaker.

Ordered that the Chief Clerk deliver all papers and documents in said cases to the proper Contest Committees selected to decide the contests.

Mr. Prather moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

At the expiration of ten minutes, the Speaker resumed the Chair and called the House to order.

The House took up for consideration from the Calendar, resolutions of the following titles:

H. Res. 1. Resolution providing for a contingent fund of $750.00 for the Clerk of the Senate and a contingent fund of $750.00 for the Clerk of the House.

H. Res. 2. Resolution providing additional compensation for employees of the House and Senate.

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

The Constitution provision as to the second reading of said resolutions at length having been dispensed with, said resolutions were read the second time by their titles only.

Ordered that said resolutions be placed in the Orders of the Day.

The Chief Clerk read the following communication from the Legislative Council to the House, viz.:

Whereas, the Legislative Council of the Commonwealth of Kentucky was created by the General Assembly as a fact-finding body and

Whereas, the Council was called into session on the 10th day of December 31, 1943, and

Whereas, various agencies and departments of the Commonwealth of Kentucky have appeared before said Council requesting appropriations for the various departments and agencies of our State government and

Whereas, in such a short space of time the Council has been unable to arrive at any definite conclusion as to the amount of money that should be appropriated to the various departments and agencies of our State government and are

not now able to make any definite recommendations to the General Assembly and,

Whereas, the Council is automatically adjourned at 12 o'clock this date under the Statutes of the Commonwealth of Kentucky,

Be it Therefore Resolved by the Legislative Council of the Commonwealth of Kentucky:

That the Secretary of said Council be and he is hereby instructed to transmit to the General Assembly of the Commonwealth of Kentucky that will this date be convened for its 1944 session, all minutes, records and findings of the Legislative Council now about to be adjourned.

Attest: Clyde Smith, Secretary
January 4, 1944

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Swope.

H. B. 4. An Act to provide for an amendment to Sec. 147 of the Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 157 of the Constitution of Kentucky is amended to read as follows:

The General Assembly shall provide by law for the registrations of all persons entitled to vote in cities and towns having a population of five thousand or more; and may pro-

vide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. Provided that counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked or voted as herein required. Nothing in this section is intended to prevent the General Assembly from enacting suitable laws to permit the casting of a vote, in any election by the people, by any person who, by reason of being in the military or naval service of the United States, or in the service of the militia of this Commonwealth, is required to be absent from his voting precinct or ward on the day of election.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Swope.

H. B. 5. An Act relating to registration fees for motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.050 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles, except those mentioned in subsections (1) and (2) and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as trucks and busses and the annual registration fee except as provided in subsections (4) to (8) shall be as follows:

Capacity	*Fee*
1,000 pounds or less	$ 10.00
1,000 to 2,000 pounds	22.00
2,000 to 3,000 pounds	40.00
3,000 to 4,000 pounds	52.00
4,000 to 5,000 pounds	63.00
5,000 to 6,000 pounds	71.00
6,000 to 7,000 pounds	93.00
7,000 to 8,000 pounds	112.00
8,000 to 9,000 pounds	138.00
9,000 to 10,000 pounds	187.00
10,000 pounds	230.00
Each additional ton or fraction of a ton over 10,000 pounds	25.00

(4) Any farmer owning a truck having a capacity of 3,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit

stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the capacity of 3,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in red letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm, and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the County Clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

§ 2. Section 47.020 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

One-half of all revenue raised by the tax imposed by subsections (3) to 8 of KRS 186.050 shall be evenly distributed among all the counties for the county road funds.

By Mr. Linton.

H. B. 6. An Act repealing the Income Tax Law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Chapter 7 of the Acts of 1936, Third Extraordinary Session known as the Kentucky Income Tax Law,

and being Chapter 141 of the Kentucky Revised Statutes, 1942 Edition, be, and the same is hereby repealed in its entirety.

(2) Provided, however, that the enforcement provisions of said Chapter 7 of the Acts of 1936, Third Extraordinary Session, shall remain in full force and effect as to all taxes levied by the provisions of said Act from the effective date thereof until December 31st, 1943, and which have not been paid into the State Treasury.

(3) If Section Two of this act, or any part thereof, shall be adjudged to be unconstitutional or void, such decision shall not affect or render unconstitutional Section One, or any part of Section One, it being the intention of the General Assembly in enacting this act to enact each section separately.

By Mr. Preston.

H. B. 7. An Act relating to income taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 141.060 of the Kentucky Revised Statutes of 1942, relating to personal exemptions chargeable against income, is amended to read as follows:

(1) The following exemptions, chargeable against the first bracket or brackets of income, shall be allowed to individuals reporting income as required by this chapter:

(a) In case of a single person, or a married person not living with husband or wife, the personal exemption shall be twelve hundred and fifty dollars.

(b) In case of a head of a family or of a husband and wife living together, the personal exemption shall be three thousand dollars. A husband and wife living together shall receive but one personal exemption of three thousand dollars against their aggregate income.

(c) For each person, other than the husband or wife, dependent upon and receiving the chief support from the taxpayer during the taxable year, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective, the personal exemption shall be five hundred dollars.

(2) If the status of the taxpayer, in so far as it affects personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned in accordance with the number of days before and after the change.

(3) In the case of nonresidents and of residents who receive credits on account of income taxes paid in other states, the personal exemptions allowable shall be that proportion of those permitted under this section that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources.

§ 2. Section 141.080 of the Kentucky Revised Statutes of 1942, relating to deductions allowed from gross income, is amended to read as follows:

Taxpayers reporting income as prescribed by this chapter shall be allowed the following deductions:

(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation paid for personal services actually rendered in producing the taxable income.

(2) All interest paid or accrued within the taxable year, except on indebtedness incurred to purchase or continue to carry property the income from which is exempt from taxation under this chapter.

(3) Property taxes, poll taxes, and franchise or license taxes paid to this state or its taxing sub-divisions, and income taxes paid to the United States.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise:

(a) If incurred in a trade or business the income from which is subject to taxation under this chapter;

(b) If incurred in any transaction entered into for profit which profit would be subject to taxation under this chapter, though not connected with the trade of business; or

(c) Of property arising from fire, storm, shipwreck or other casualty or from theft, though the property is not connected with the trade or business, but in the case of a taxpayer other than a resident, only or real property or tangible personal property having a permanent situs in this State.

(5) Debts ascertained to be worthless and charged off within the taxable year. In the case of a debt existing on August 7, 1936, no more than its fair market value on that date shall be deducted. A worthless debt arising after that date from unpaid wages, salaries, sales, rent or any similar item of taxable income is not an allowable deduction unless the income which the item represents has been included as income by the taxpayer in a return rendered under this chapter. In the case of taxpayers who keep regular books of account on an accrual basis and according to standard accounting practice, there may be deducted, in lieu of the foregoing, additions to reserves for bad debts, under such rules as the Department of Revenue may prescribe. If the depart-

ment at any time deems the reserve excessive, it may restore the excess to income either in a subsequent year or as a part of the income of the taxable year, and assess it accordingly.

(6) The actual amount paid during the taxable year for repair and maintenance of buildings and machinery, but no deduction shall be made for any repair chargeable to residence property occupied by its owner, or for depreciation therof. The value of the estimated annual rental of residence property occupied by the owner shall not be included in the income subject to taxation.

(7) All fire, tornado and casualty insurance premiums paid during the taxable year on property held for investment or business.

(8) A reasonable allowance for exhaustion, wear and tear of property used in trade or business, including a reasonable allowance for obsolescense and including, in the case of natural resources, allowances for depletion equivalent to those allowed under the Federal income tax law in effect on August 7, 1936.

(9) Dividends received during the taxable year upon stock of national banks and of banks and trust companies organized under the laws of this state.

(10) Contributions or gifts, if verified under the rules and regulations prescribed by the department, in a total amount not exceeding fifteen percent of the taxpayer's net income as computed without the benefit of this subsection, made by individuals within the taxable year to or for the use of:

(a) This state, its institutions, or any taxing subdivision of this state for exclusively public purposes.

(b) Any corporation, trust, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, military or educational purposes exclusively in this state, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(c) Posts or organizations of the war veterans or auxiliary units or societies of any such posts or organizations or units and organizations of the Kentucky National Guard, if they are organized in this state and if no part of their net earnings inures to the benefit of any private shareholder or individual.

(d) A fraternal society, order or association operating under the lodge system, but only if the contributions or gifts are to be used exclusively for religious, charitable, scientific, literary or educational purposes in this state.

(11) All income received from the Federal Government by ex-service men or their dependents by reason of war-time service in the United States Army, Navy, Marine or Nursing Service of the United States Government.

(12) Insurance premiums, in a total amount not exceeding fifteen percent of the taxpayer's net income as computed without the benefit of this subsection, paid by the taxpayer within the taxable year for insurance upon the life of the taxpayer, or for health, accident or hospital service insurance on the body of the taxpayer.

(13) All amounts paid by the taxpayer during the taxable year for medical or hospital services rendered to the taxpayer or to any person dependent upon and receiving his chief support from the taxpayer during the taxable year.

§ 3. The revenue received by the Commonwealth from income taxes during the fiscal year 1944-1945 shall be used and disposed of as follows:

(1) The first $1,500,000 of such revenue shall be placed in the State Treasury to the credit of a special fund to be known as the "Tuberculosis Sanatoria Construction Fund," and is hereby appropriated to the Department of Welfare for the acquisition or erection of three tuberculosis sanatoria, including the purchase of land therefor, and for the equipment thereof, the amount to be spent for each sanatoria and its equipment not to exceed $500,000. One of the sanatoria shall be located in West Kentucky, one in East Kentucky, and one in South Central Kentucky, the general location to be selected by the Economic Planning Committee of the Kentucky State Medical Association. The Department of Welfare shall have power to enter into such contracts as may be necessary for the acquisition or erection of such sanatoria. Any contract calling for the expenditure of more than one thousand dollars, other than a contract for the purchase of real estate, shall be let to the lowest and best bidder after reasonable public advertisement.

When such sanatoria are ready for use, they shall be under the control and supervision of the Department of Welfare, and the Department of Welfare shall have all the powers with respect thereto that are given to the Department of Health by KRS 215.010 to 215.070 with respect to the existing state tuberculosis sanatorium. All of the provisions of KRS 215.010 to 215.070 shall apply to such sanatoria, except that such sections as so applied shall be read if "Department of Welfare" were substituted for "Department of Health," and except that the Department of Welfare shall have the power to accept patients, and transfer patients between the sanatoria, in such manner and subject to such conditions as will tend towards the most expeditious management of the sanatoria. Any portion of the sum hereby appropriated to the "Tuberculosis Santoria Construction Fund" that is not necessary to be used for the purposes prescribed in this subsection may, on the direction of the Department of Welfare,

be transferred to the "Tuberculosis Sanatoria Operation Fund" created by subsection (2) of this section.

(2) After placing the first $1,500,000 to the credit of the "Tuberculosis Construction Fund," the next $300,000 shall be placed in the State Treasury to the credit of a special fund to be known as the "Tuberculosis Sanatoria Operation Fund," and such fund is appropriated to the Department of Welfare for ordinary recurring expenses of operation of the sanatoria provided for in subsection (1) of this section.

(3) After the amounts provided for by subsections (1) and (2) of this section have been placed to the credit of the funds created by these subsections, the next $3,000,000 shall be placed in the State Treasury to the credit of a special fund to be known as the "Common School Per Capita Fund (Income Tax)," and such fund is appropriated to the Department of Education for the payment of salaries of teachers of common schools in the same manner and under the same conditions as other funds appropriated by the General Assembly for such purposes. Not more than ten percent of such fund may be expended for equalization of educational service as provided in KRS 157.051 to 157.055. The fund created by this subsection shall be in addition to any other sums appropriated for the payment of salaries of teachers of common schools.

(4) Any revenue in excess of the amounts required to establish the funds created by subsection (1), (2) and (3) of this section shall be placed in the State Treasury to the credit of the General Expenditure Fund, and shall be available for such appropriations as have been made by law.

§ 4. The revenue received by the Commonwealth from income taxes during the fiscal year 1945-1946 shall be used and disposed of as follows:

(1) The first $300,000 of such revenue shall be placed in the State Treasury to the credit of a fund to be known as the "Tuberculosis Sanatoria Operation Fund," and such fund is appropriated to the Department of Welfare for ordinary recurring expenses of operation of the sanatoria provided for in subsection (1) of Section 3 of this Act.

(2) After crediting the first $300,000 as provided in subsection (1) of this section, the next $3,000,000 shall be placed in the State Treasury to the credit of a special fund to be known as the "Common School Per Capita Fund (Income Tax)," and such fund is appropriated to the Department of Education for the payment of salaries of teachers of common schools in the same manner and under the same conditions as other funds appropriated by the General Assembly for such purposes. Not more than ten percent of such fund may be expended for equalization of educational service as provided in KRS 157.051 to 157.055. The fund created by this subsection shall be in addition to any other sums appropriated for the payment of salaries of teachers of common schools.

(3) Any revenue in excess of the amounts required to establish the funds created by subsections (1) and (2) of this section shall be placed in the State Treasury to the credit of the General Expenditure Fund, and shall be available for such appropriations as have been made by law.

§ 5. In so far as this Act conflicts with any general appropriation Act enacted by the present General Assembly, this Act shall control.

§ 6. This Act is intended to supersede KRS 47.010, in so far as that section applies to income taxes, for the fiscal years 1944-1945 and 1945-1946.

By Messrs. Marcum and Doran.

H. B. 8. An Act relating to school buses and other motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.600 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to and from school. All drivers and all operators of school buses and shall meet the requirements of law and the rules and regulations of the State Board of Education for school bus drivers and operators. Any violation of the rules and regulations of the State Board of Education for school bus drivers and operators shall be subject to the penalty prescribed for violation of this section. No person under the age of twenty-one shall drive any other motor vehicle while it is in use as a public passenger carrying vehicle.

By Messrs. Marcum and Doran.

H. B. 9. An Act relating to education.

Said bill is as follows, viz.:

WHEREAS, due to the present emergency there is a great shortage of teachers in the Commonwealth of Kentucky because of the low salaries and the attraction of more lucrative paying positions in war and private industries; Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of any sums in the General Fund not already appropriated the sum of $3,000,000 for the purpose of supplementing the salaries of teachers employed in the public elementary and secondary schools of Kentucky for the school year beginning July 1, 1943, and ending June 30, 1944. The funds so appropriated shall be distributed to each school district by the Superintendent of Public Instruction as a supplement to the common school fund appropriated in Item 18 (e) of Part One-A of Chapter 1 of the Acts of the General Assembly of 1942 for the 1943-44 school year. They shall be distributed in accordance with the law, and the rules and regulations of the State Board of Education made on the recommendation of the Superintendent of Public Instruction.

In making the distribution the Superintendent of Public Instruction shall use the official census figures for the state and for each school district used in the distribution of the common school fund for the 1943-44 school year.

The funds received by each board of education from this appropriation shall be so applied that each teacher of the district shall receive the same amount of increase on the monthly basal salary schedule for the school year 1943-44.

The appropriation provided herein shall be exempt from all provisions of law relating to teacher retirement, Section 161.220 to and including Section 161.710, Kentucky Revised Statutes, 1942 edition.

"Teacher," as defined in this Act, shall mean classroom teachers, principals, supervisors, or other certificated employees included in the official salary schedule as adopted by the school district and approved by the State Board of Education for the 1943-44 school year.

WHEREAS, the funds appropriated by this Act supplement the salaries of teachers for the school year 1943-44, and

WHEREAS, if the effective date of the Act is delayed many of the school terms will end before the funds can be distributed as required by the Act:

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective upon its approval by the Governor.

By Mr. Howard.

H. B. 10. An Act relating to public roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.410 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the improvement, reconstruction and maintenance of county roads and bridges as follows:

(1) One-half of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-half of the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

By Mr. Howard.

H. B. 11. An Act to provide for an amendment to Section 147 of the Constitution, relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 147 of the Constitution of Kentucky is amended to read as follows:

The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. Provided that counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked or voted as herein required. Nothing in this section is intended to prevent the General Assembly from providing that all qualified voters, who are at the time of an election in the military, naval, or marine service of the United States, and located outside of this state, and all qualified voters who are officers, or in the service, of the United States, and whose places of service are outside of this state, shall have the right to cast their votes without being present in person at the place of voting, and the General Assembly shall provide a method for such persons so voting that will preserve the secrecy of such ballots so far as can reasonably be done.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. J. Lee Moore.

H. B. 12. An Act to provide for an amendment to the Constitution, Section 147, relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 147 of the Constitution of Kentucky is amended to read as follows:

The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. Provided that counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word "elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled,

may have their ballots marked or voted as herein required. Nothing in this section is intended to prevent the General Assembly from enacting suitable laws to permit the casting of a vote, in any election by the people, by any person who, by reason of being in the military or naval service of the United States, is required to be absent from his voting precinct or ward on the day of election.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Love.

H. B. 13. An Act to provide 90% of the Kentucky excise taxes paid on refund gasoline.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *Definitions.* The term "refund gasoline" as used in this Act, shall mean gasoline, as defined in KRS 138.210, used or to be used in a tractor or stationary engine operated for agricultural purposes. The word "Department" shall mean the Department of Revenue. The word "Commissioner" shall mean the Commissioner of Revenue. The term "fiscal year" shall mean the period of twelve (12) months, beginning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

2. *Refunds Authorized.* Any person who shall buy gasoline for use in a farm tractor or stationary engine on a farm, who has actually used such gasoline for agricultural purposes and who has paid the excise tax thereon imposed by law of

this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety per cent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no such tax shall be paid on refund gasoline purchased in quantities of less than ten (10) gallons at any one time.

3. *Seller's Permit.* No seller of refund gasoline shall execute a certificate of purchase, as hereinafter described in Section 7 of this Act, without having first secured a Seller's Permit, as provided in this section. Any seller of gasoline desiring to be qualified to execute such certificates of purchase, shall make application for a Seller's Permit to the Department. Such application shall be accompanied by a filing fee of one dollar ($1.00) and shall be made in a manner and contain such information as may be required by the Department. Such fee shall be transmitted to the State Treasurer by the Department, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. Such permit shall be conditioned upon the faithful performance of the provisions of this Act with reference to the sale of refund gasoline. Upon receipt of such application, and a bond, if required, as hereinafter provided in Section 5 of this Act, the Department shall, after such investigation as it deems necessary, issue a permit privileging the applicant and such of his agents as may be duly authorized so to do in accordance with the provisions hereinafter prescribed, to execute certificates with respect to the sale of re-

fund gasoline, as hereinafter provided. Each such permit shall be given a serial number by the Department, and shall expire with the fiscal year for which it is issued. No person shall be repaid excise taxes on any refund gasoline purchased from any person not having a Seller's Permit, as required by this Section.

4. *Purchaser's Permit.* Before any person shall be entitled to make claim for a refund of excise tax under this Act, he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each stationary engine or tractor in which the refund gasoline is to be used, including the make, motor number, model, horse-power, the approximate per hour fuel consumption of the stationary engine or tractor in which refund gasoline is to be used, and such other information as the Department may require. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's farm or residence. The application shall be accompanied by a filing fee of one dollar (1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has com-

plied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the date submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

5. *Rules Affecting Both A Seller's Permit And A Purchaser's Permit.* The same person shall not be permitted, either directly or indirectly, to hold both a Seller's Permit and a Purchaser's Permit. The Department may, if the applicant has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to execute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes, penalties, and fines for which such applicant may become liable under this Act. Each Purchaser's Permit and each Seller's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permit issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 14 hereof.

6. *Forms To Be Supplied By Department.* Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 4 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; used or permitted to be used as fuel in other than a stationary engine or tractor used for agricultural purposes; the name and address of the person selling the refund gasoline; the date of the last purchase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount of excise taxes paid thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part thereof has been sold by the applicant or used in any way other than in a stationary engine or tractor operated for agricultural purposes. Said refund application form shall also contain blank spaces for describing the use made of such refund

gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State, with a true statement that a duplicate copy of the application for refund has been delivered or properly mailed to said county attorney.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act.

7. *Certificates of Purchase.* The person to whom a purchaser's permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purchase, and shall sign the original and duplicate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by the purchaser until each copy of the certificate has been fully filled in, nor until after the amount of gasoline stated therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal in writing, and recognized by the Department as evidenced on the permit or an amendment thereto.

8. *Refund Applications.* All applications for refund of excise taxes on refund gasoline under the provisions of this

Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed.

Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; provided, that if all refund gasoline purchased as indicated on one certificate of sale is not used during any three (3) months period, the applicant shall not make claim for refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of sale may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

9. *Audits And Investigation Of Refunds.* The Department is hereby authorized and directed to audit the claims for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of any refund application, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for investigation the matter to the county attorney of the county

in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his findings to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used in any method other than in a stationary engine or tractor for agricultural purposes; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the department finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

10. *Refunds To Be Made.* When the Department finds that any refund application has been properly executed and that the applicant has complied with the requirements of this Act, it shall promptly approve such application, and credit the amount of excise tax which should be paid thereunder to the applicant, and said approved claim for refund shall be paid without interest, as other claims on the State Treasury are paid, from funds allocated by subsection (2) of KRS 47.010, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of refund gasoline covered by any claimant's application during the period covered

by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the payment of an approved claim shall not be delayed more than four (4) months.

§ 11. *Records.* Each seller of refund gasoline to whom a seller's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all such gasoline sold by him under certificates of purchase provided for in this Act, and shall give the date of each such sale, the amount of refund gasoline sold, the name of the person to whom sold, and the sale price.

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

§ 14. *Suspension; Revocation; Criminal Penalties.* (a) It shall be unlawful for any person to make a false or fraud-

ulent statement in an application for a permit, or in a certificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes or to knowingly aid or assist in making any such false or fraudulent statement or claim; or who, having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for any purpose other than in a stationary engine or tractor for agricultural purposes; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The purchaser's permit or the seller's permit of any person who shall violate any provision of paragraph (a) of this section shall be revoked by the Department and may not be reissued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(c) The Purchaser's permit or the seller's permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this section, may be suspended by the Department for any period in its discretion not exceeding six (6) months.

(d) Any person who shall knowingly violate any provision of this Act, other than those contained in paragraph (a) of this section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding section.

§ 15. *Appeals.* Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated in KRS 131.110 and 131.120, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

§ 16. *Erroneous Refunds.* If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action instituted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such refunds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for any purpose other than in a stationary engine or tractor for agricultural purposes, or in

any other manner in violation of this Act, he shall become indebted to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section, and for which such seller's bond, if required, shall be surety.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this section, shall be deposited with the State Treasurer and credited to the Highway Fund. Three-fourths (¾) of the twenty per cent (20%) collection penalty provided in this section shall be deposited with the State Treasurer and credited to the Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

§ 17. *Provision for Administration.* The Department is hereby authorized to employ such additional persons, in accordance with the provisions of KRS 42.110 and 42.120, and incur travel, rental, and other current and capital expenses necessary to properly accomplish the purposes of this Act and to protect the gasoline tax revenues of the Commonwealth.

There is hereby established a "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litigation in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for seller's permit and purchaser's permit.

2. All fines and penalties, except those provided in Section 16 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refunds claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July of each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred therefrom to the Highway Fund for the purpose of the construction, reconstruction maintenance, and repair of roads, highways, and bridges, as provided by subsection (2) of KRS 47.010. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

Whereas, the United States of America is now engaged in a global war, and President F. D. Roosevelt as Commander-in-Chief of the Army and Navy has demanded a maximum production of all farm, livestock, dairy and poultry products in order to maintain the Army and Navy with food, and to supply food to the oppressed nations now under the Axis power as fast as our Armed Forces can liberate them, and

Whereas, farm and livestock producers are in immediate need of tax-free gasoline in order to efficiently and cheaply

operate stationary engines and tractors to maintain maximum production in livestock, dairy, poultry and farm products,

An emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

By Mr. Love.

H. B. 14. An Act relating to classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 81.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Cities are classified as follows:

(1) First class:

Louisville, Jefferson County

(2) Second class:

Ashland, Boyd County
Covington, Kenton County
Lexington, Fayette County
Newport, Campbell County
Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County
Corbin, Whitley and Knox Counties
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County

Maysville, Mason County
Middlesboro, Bell County
Owensboro, Daviess County

(4) Fourth class:

Barbourville, Knox County
Bellevue, Campbell County
Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Clifton, Campbell County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County

Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County
Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Winchester, Clark County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County

Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County
Hawesville, Hancock County
Hellier, Pike County
Horse Cave, Hart County
Hustonville, Lincoln County
La Grange, Oldham County
Lancaster, Garrard County
Leitchfield, Grayson County
Livermore, McLean County
London, Laurel County
Louisa, Lawrence County
Manchester, Clay County
Midway, Woodford County
Millersburg, Bourbon County
Monticello, Wayne County
Morehead, Rowan County

Morton's Gap, Hopkins County
Neon, Letcher County
Nortonsville, Hopkins County
Owenton, Owen County
Owingsville, Bath County
Park Hills, Kenton County
Perryville, Boyle County
Raceland, Greenup County
Ravenna, Estill County
Salyersville, Magoffin County
Sebree, Webster County
Shively, Jefferson County
Southgate, Campbell County
Springfield, Washington County
Stanford, Lincoln County
Tompkinsville, Monroe County
Uniontown, Union County
Vanceburg, Lewis County
Warsaw, Gallatin County
Whitesburg, Letcher County
Wickliffe, Ballard County
Wilmore, Jessamine County
Williamsburg, Whitley County
Williamstown, Grant County

(6) All other incorporated cities belong to the sixth class.

By Mr. Ennis.

H. B. 15. An Act repealing Sec. 176-030 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 176.030, Kentucky Revised Statutes, be and the same hereby is repealed.

By Mr. Knuckles.

H. B. 16. An Act to regulate and permit practice of Naturopathic in Kentucky, Etc.

Said bill is as follows, viz.:

Section 1. *Be it enacted by the General Assembly of the State of Kentucky,* That a board is hereby created to be known as the "State Board of Naturopathic Examiners." Said Board to consist of three practicing Naturopathic physicians of good moral character and with recognized integrity and ability in that profession, residents of this State, who shall have been graduated from a reputable Naturopathic school and each of whom shall have been engaged in the active practice of that profession for more than one year prior to the passage of this Act, in Kentucky.

Section 2. *Be it further enacted:* That the term of office of the members of said Board shall be for three years; except, the first three named members shall serve period of one, two, three years respectively; they shall be appointed by the Governor of the State that is the original and all subsequent members, he being satisfied of their standing and qualifications.

The original Board shall be named, within thirty days thereafter the passage of this Act and they to organize within thirty days thereafter by naming a President, Vice-President, and Secretary-Treasurer; two members to constitute a quorum. Each and all persons so named to said Board shall serve until their successors are appointed and qualified by taking oath, for the faithful performance of their duty and as provided by Constitution same to be filed with the Secretary of State.

Section 3. *Be it further enacted:* That the original members so named to said Board shall have a right to issue to

themselves a license as Naturopathic Physicians upon each of them paying a fee of twenty-five ($25.00) dollars. Thereafter said Board shall have a right to adopt by-laws and regulations governing their body, and the issuance of license to parties meeting the qualifications so prescribed, all persons making application shall be of good moral character, who shall have completed a high school course, and taken a four year course of nine months each in a reputable chartered school of Naturopathy, and be more than twenty-one years of age and such other qualifications as the Board may reasonably require. Each of said applicants with their application shall pay a fee of twenty-five dollars ($25.00) and thereby they shall be permitted to take the examination for license as a Naturopathic Physician and in the event of their failure to pass without further fee they shall be permitted to take not more than three examinations in all, examinations to be partially written and partially oral.

An applicant with proper qualifications shall be permitted to secure a temporary license on the payment of the same fee, but same not to extend past any examination thereafter held, which examination they shall take; except, the Board shall have a right to issue a license by reciprocity to Naturopathic Physicians coming from other states upon the payment of fifty dollars ($50.00) fee.

Section 4. *Be it further enacted,* That by this Act Naturopathy is permitted to be practiced in the State of Kentucky under provisions of this Act, when a person is so qualified, and means, "Nature cure or health by natural methods" and is defined as the prevention, diagnosis, and treatment of human injuries, ailments, and diseases by means of any one or more of the psychological, physical or mechanical, chemical or material, forces or agencies of Nature, provided that this bill or any language shall not apply to, or in any way affect medical doctors.

Section 5. *Be it further enacted,* That said Board named herein shall meet twice each year at Frankfort, Kentucky, on the first Monday of April and October of each year; with the right to call a special meeting should it become necessary upon the vote of all members of the Board, and said Board shall keep minutes of all their meetings and records of all their receipts and disbursements of money subject to examination by the State Treasurer's Office.

Section 6. *Be it further enacted,* That said Board is given the right to revoke any license as issued by them in the event that any one holding a license shall have violated any law; or it is shown that said person has done or so acted that his moral reputation is involved; but, such person shall have a right to a hearing on request, and the Board shall grant same, and is given authority to summon witnesses to take testimony, swear the persons involved and do such things as to give a fair hearing before said revocation shall be permanent; and likewise, they are given authority to reinstate any person for good cause when his license shall have been revoked.

Section 7. *Be it further enacted,* That every person licensed to practice Naturopathy within the State, on or before the first day of May, 1944, and each year thereafter shall renew said license by the payment of five dollars ($5.00); and in the event that he is given notice thirty days prior to that time to the last known address he shall be presumed to have discontinued his practice unless said request for renewal is made and fee is paid.

Section 8. *Be it further enacted,* That all fees collected by the Board under this Act shall be paid to the Secretary-Treasurer of the Board, who shall deposit same in a bank to the credit of the State Treasurer of Kentucky. The per diem of ten dollars ($10.00) per day of actual attendance of each member of the Board and the expense of the Board

and its members shall be paid out of said fund, and said fund is to remain at the sum of five hundred dollars ($500.00) and the remainder in the hands of the State Treasurer on June 15 of each year shall be paid into the general fund of the State of Kentucky, at which time a report shall be filed by the Board with the Governor of the State showing receipts and disbursements of said Board.

The Secretary-Treasurer of said Board shall be required to give a surety bond of one thousand dollars ($1,000.00) with the usual provisions, approved by the Board, to carry out the terms and provisions of this Act, and as may be adopted by the Board, payable to the State of Kentucky.

Section 9. *Be it further enacted,* That all Naturopathic Physicians securing licenses under this Act, shall record same in the office of the County Court Clerk, in every county they may practice in Kentucky, the Clerk to keep a record of such recordings and to receive a fee of one dollar ($1.00) for same.

Section 10. *Be it further enacted,* That all Naturopathic Physicians in the State of Kentucky desiring to practice obstetrics, must first comply with the requirements of the County Board of Health, by taking the required examination and obtaining midwife license.

Section 11. *Be it further enacted,* That Naturopathic Physicians shall be subject to observe all State, County and Municipal regulations in regard to the control of contagious and infectious diseases; and to any and all other matters pertaining to the public health in the same manner as is required of other practioners of the healing art, and in the reporting of births and deaths.

Section 12. *Be it further enacted,* That any person who shall practice or attempt to practice Naturopathy or any of

its branches, or shall so hold himself out in any way without having complied with this Act, shall be guilty of misdemeanor, and so punishable by fine of not less than fifty dollars ($50.00), and not more than one hundred dollars ($100.00) and imprisonment in the county jail or work house of not less than thirty days nor more than six months or both fine and imprisonment in the discretion of the court.

Section 13. *Be it further enacted,* That nothing in this Act or any construction thereof, shall permit or authorize any Naturopathic Physician licensed hereunder to perform any surgical work other than minor matters.

Section 14. *Be it further enacted,* That any person now practicing as a Naturopathic Physician, who has practiced in the State of Kentucky for a period of three years, is of good moral character, and is a member of the American Naturopathic Association and has been in good standing with said Association for the past year, shall be licensed without further examination, but he shall pay the regular fee and secure a license under this Act. Provided further that this Act shall not be construed to in any way affect individuals who are, and have been engaged in the operation of bath houses in this State for a period of five years prior to the passage of this Act.

Section 15. *Be it further enacted,* That the Legislature expressly declares that each section, sub-section, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

Section 16. *Be it further enacted,* That this Act shall

take effect from and after its passage, the public welfare requiring it.

By Mr. Howard.

H. Res. 6. Resolution authorizing A. B. Campbell to sue the Commonwealth.

Said resolution is as follows, viz.:

WHEREAS, A. B. Campbell on February 11, 1943, was injured and the truck he was driving was seriously damaged by a large beech tree and other debris falling from the side of State Highway No. 15, near the Perry County line in Breathitt County, Kentucky, and that said accident and injuries were caused by reason of the alleged failure of the State Highway Department and its employes thru their carelessness and negligence to remove said tree and debris prior to the accident when it was known to them to be in such a position to constitute a danger to the traveling public.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That A. B. Campbell is hereby authorized and permitted to sue the Commonwealth of Kentucky, and the State Highway Department of Kentucky, both or either of them, in the Circuit Court of Breathitt County, Kentucky, for such damages as he suffered by reason of personal injury or injuries, and also damage to his truck, brought about through the alleged carelessness and negligence of the State Highway Department of Kentucky, its agents or employes. In the event any judgment is recovered by A. B. Campbell in any such suit or suits for personal injuries or property damage or the same is compromised or settled the same shall be paid by the Commissioner of Finance by warrant or warrants drawn on the State Treasury and paid out of the General Fund.

Anything contained in this resolution shall not be considered by either the Court or jury as substantive evidence on the merits of the alleged claim and the Court shall instruct the jury that the resolution authorizing this suit or suits shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies or any liability on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the claimant.

Provided that the amount sued on for personal injuries shall not exceed the sum of $5,000.00 and the amount sued on for property damage shall not exceed the sum of $300.00.

Ordered that said bills and resolution be printed and referred.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at eleven o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 6, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Fred T. Moffitt of the Baptist Church.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Jno. W. Burkhart	Marvin Cornett
Henry Arrowood	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	Fred Carpenter	John P. Craig
W. G. Biggers	Willis Champion	Fred Creasey
Douglas T. Bolling	Jno. H. Clarke, Jr.	Thos. S. Dawson
J. C. Bradley	A. Roy Copeland	Adron Doran

J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. (Coke) Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
J. T. Linton
Homer E. Losey
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

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Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced the following Standing Committee of the House, viz.:

COMMITTEE ON REVENUE AND TAXATION

James Quill, Chairman
Charles Burnley
Benton Howard
S. J. Waggoner

Claude Hammons
Leon J. Shaikun
Harry Walters
Fred Carpenter
Franklin Goins

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Losey.

H.B. 17. An Act relating to State owned Toll Bridges.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That there is hereby appropriated and made available out of the State Highway Road Fund, as established for the fiscal year ending March 31, 1944, the sum of two million, five hundred thousand ($2,500,000) dollars to be set aside and used by the Commissioner of Highways of the Commonwealth of Kentucky for the purpose of paying and retiring all State Revenue Toll Bridge Bonds on each and every toll bridge project of the Commonwealth of Kentucky. This appropriation is in addition to and is to supplement all sums in the sinking fund of each of the said toll bridge projects at the time the bonds are called for payment as hereinafter provided.

(2) Immediately after the passage and approval of this Act the Commissioner of Highways of the Department of Highways of the Commonwealth of Kentucky shall by official order free each of said toll bridges, either inter or intra state, now owned, operated and maintained by the Department of Highways of the Commonwealth of Kentucky and said bridge, when free, shall be operated and maintained as

all other bridges in this Commonwealth, free of toll to the traveling public.

(3) Said bonds for each of said toll bridge projects shall be called for payment by the Commissioner of Highways at the earliest possible call date after the passage of this Act and said bonds shall be retired by paying the principal and interest and such premiums as may be required by the terms of the bonds and trust indentures of each of the several projects.

(4) All funds collected and remaining in any of the toll bridge projects, together with any part of the appropriation herein provided for, not necessary for the full retirement and payment of the revenue bonds for all of said toll bridge projects shall revert to the State Highway Road Fund.

(5) WHEREAS there is now a surplus in the Road and Bridge Fund of the Department of Highways of the Commonwealth of Kentucky, and

WHEREAS, the construction of new and additional roads and bridges has been curtailed by the War Department, and said fund is not now immediately needed for the construction of roads, highways and bridges in this Commonwealth, and

WHEREAS, there is a large number of war production plants, cantonments, forts and camps located in this Commonwealth, and the toll bridges are a detriment to the furtherance of the war effort in this State and tend to prevent industry and labor from expanding, and many of the industries are located in sections where the employees and supplies must pass over many of the toll bridges thereby creating an extra burden upon the industry as well as the employees, and

WHEREAS, the next interest payment date of the outstanding bonds on each and all of said projects is July 1, 1944, and

WHEREAS, a call for the payment and retirement of said bonds must be made at least thirty days prior to an interest payment date,

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective immediately upon passage and approval.

By Mr. May.

H. B. 18. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.100 of the Kentucky Revised Statutes is amended to read as follows:

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and distribute them without cost to pupils attending grades one to twelve, of the free public schools of the state, in the manner and upon the conditions set out in KRS 157.110 to 157.180.

By Mr. Spencer and Anderson.

H.B. 19. An Act relating to juries, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are drawn from the drum for jury service in circuit court, who appear in person in court at the opening thereof in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

By Mr. Spencer.

H. B. 20. An Act requiring all employees to state amount and purpose of any deduction from employees salaries, wages, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. All employers who pay their employes by check or otherwise, making deductions from the salaries and wages due said employes, shall state specifically the amount and the person or agency for which the deductions are made, and each such employer at the time of payment of salary or wage to each employe shall furnish the employe a statement giving the amount of each deduction and the purpose for which the deduction is made.

§ 2. Any person who fails to comply with Section 1 of this Act shall be fined not less than ten dollars, nor more than one hundred dollars, for each offense and each day that such failure continues shall be deemed a separate offense.

By Mr. Trumbo.

H. B. 21. An Act relating to taxation, coin operated mechanical devices.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all coin operating mechanical music devices shall be taxed as follows:

1. All single devices Ten ($10.00) each per annum.

2. All machines having more than 1 coin control Two ($2.00) for each control box in addition to the original tax of Ten ($10.00) on the mechanical music device.

3. The Department of Revenue of the Commonwealth of Kentucky shall have control of the enforcement of this Act, and shall provide a method of collecting the tax. The

funds derived therefrom shall go to the Old Age Pension Fund.

4. Any person, firm or corporation failing or refusing to pay the tax herein provided for on or before the first day of July of each year shall be fined not less than Ten ($10.00) nor more than One Hundred ($100.00).

By Mr. Love.

H. B. 22. An Act relating to state owned toll bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated and made available out of State Highway Road Fund as established for the fiscal year ending March 31, 1944, the sum of two million, five hundred thousand ($2,500,000.00) dollars to be set aside and used by the Commissioner of Highways of the Commonwealth of Kentucky for the purpose of paying and retiring all State Revenue Toll Bridge Bonds on each and every toll bridge project of the Commonwealth of Kentucky. This appropriation is in addition to and is to supplement all sums remaining in the sinking funds of the various projects at the time the bonds herein referred to are retired.

Immediately after the passage and approval of this Act the Commissioner of Highways of the Department of Highways of the Commonwealth of Kentucky shall, by official order, free each of said toll bridges, either inter or intra state, now owned, operated, and maintained by the Department of Highways of the Commonwealth of Kentucky and said bridges when free shall be operated and maintained as all

other bridges in this Commonwealth free of toll to the traveling public.

Said bonds for each of said toll bridge projects shall be called by the Commissioner of Highways for payment at the earliest possible call date after the passage of this Act and said bonds shall be retired by paying the principal and interest and such premiums as may be required by the terms of the bonds and trust indentures of each of the several projects.

All funds collected and remaining in any of the toll bridge projects together with any part of the appropriation herein provided for not necessary for the full retirement and payment of the revenue bonds for all of said toll bridge projects shall revert to the State Highway Road Fund.

Whereas, there is now a surplus in the road and bridge fund of the Department of Highways of the Commonwealth of Kentucky, and

Whereas, the construction of new and additional roads and bridges has been curtailed by the War Department and said fund is not now immediately needed for the construction of roads, highways and bridges in this Commonwealth, and

Whereas, there is a large number of war production plants and cantonments, forts, and camps located in this Commonwealth and the toll bridges are a detriment to the furtherance of the war effort in this state and tend to prevent industry and labor from expanding, and many of the industries are located in sections where the employees and supplies must pass over many of the toll bridges, thereby creating extra burdens upon the industry as well as the employees, and whereas, the next interest payment date of the outstanding bonds on each and all of said projects is July 1, 1944, and

Whereas, a call for the payment and retirement of said bonds must be made at least thirty days prior to an interest payment date, an emergency is hereby declared to exist and this act shall become effective immediately upon passage and approval.

By Mr. Miller.

H. B. 23. An Act amending Kentucky Statutes relating to gasoline for farm machinery.

Said bill is follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 138.220 of the Kentucky Revised Statutes is amended to read as follows:

"(1) An excise tax of five cents per gallon shall be paid on all gasoline received in this state. No other excise or license tax shall be levied or assessed on gasoline by the state or any political subdivision of the state. The Tax shall be paid by the dealer receiving the gasoline to the State Treasurer, in the manner and within the time specified in KRS 138.230 to 138.340. Nothing herein contained shall authorize or require the collection of the tax upon gasoline after it has been once taxed under the provisions of this section.

"(2) The tax when paid on gasoline used in stationary engines, farm tractors, and farm machinery located and used exclusively on the farm shall be refunded quarterly to the person purchasing gasoline for consumption upon said person executing his sworn affidavit that he has used exclusively, the gallons of gasoline for which he seeks a refund, in stationary engines, farm tractors, and farm machinery located on the farm, that such gasoline was colored as provided below, and

that in the purchase of said gasoline the excise tax of five cents per gallon was paid by him to the gasoline dealer or distributor, stating his name. Such affidavit shall be deposited in the United States mails and forwarded to the Department of Revenue of the Commonwealth of Kentucky. The Department of Revenue shall prescribe the form and contents of such affidavit by proper rules and regulations and shall make forms available to the purchasers of gasoline through the distributors and dealers of gasoline in the Commonwealth. The Department of Revenue shall require dealers, distributors, and refiners of gasoline intended for use in stationary engines, farm tractors and farm machinery to chemically color it with a color different and unlike that used in any other gasoline and which will leave discoloration in, on, or about, the carburetor, fuel lines, or fuel tanks of any internal combustion engine in which it is used, and each dealer making sales of gasoline to consumers shall keep a record of each sale of gasoline so colored, showing the date, amount and the name of the purchaser, which records shall at all times be open to the inspection of the Department of Revenue.

"(3) The Department of Revenue by and through its duly appointed agents, employes, or field men, is hereby empowered to examine the gasoline tank, fuel lines, and carburetor of any engine or machine of any nature in the Commonwealth of Kentucky, at any time, to determine the type of gasoline being used therein for the generation of power.

"(4) Any person who uses gasoline colored and designated as gasoline for farm tractors, stationary engines, and farm machinery, in any internal combustion engine other than for the generation of power of a farm tractor, stationary engine, or farm machinery, shall be fined not less than $100.00 or not more than $500.00, and his right to make application for and receive refunds under the provisions of this section shall be forever forfeited."

By Mr. Miller.

H. B. 24. An Act relating to appropriations for county roads.

Said bill is follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for construction and maintenance of county roads by the Department of Highways or the fiscal court of each county. Thirty days prior to the beginning of the fiscal year of the Department of Highways, the fiscal court of each county shall, by resolution, declare whether said court shall expend the funds apportioned under KRS 179.410 for the construction and maintenance of county roads or whether the fiscal court shall enter into a contract with the Department of Highways for the construction and maintenance of county roads by the Department of Highways in accordance with plans prepared jointly by the fiscal court and the Department of Highways, or prepared by one or the other and jointly approved. In the event the fiscal court declares that the fiscal court shall expend said funds for the construction and maintenance of county roads, then the funds apportioned to that county shall be by the Treasurer of the Commonwealth paid to the treasurer of the county upon the filing with the Department of Highways and the Treasurer of the Commonwealth certified copies of such resolution. The respective counties through their Treasurers shall keep a separate account of such funds and such records shall be open to the Department of Highways or its duly authorized representatives for inspection and

in the event any part of said fund shall be diverted and not expended for the construction and maintenance of county roads the Department of Highways shall have the right to deduct from the next apportionment of funds any money not expended for the construction and maintenance of county roads, it being the intention of the Legislature that such fund shall be used exclusively for the construction and maintenance of county roads.

"(2) In the event the fiscal court shall by resolution declare that it desires to enter into the joint plan with the Department of Highways for the expending of the apportioned funds for the construction and maintenance of county roads by the Department of Highways, the same shall be expended in accordance with plans agreed to and prepared jointly by the fiscal court of the several counties and the Department of Highways or prepared by the one or the other jointly approved. The plan shall take into consideration the mileage of the county roads in the particular county, the condition and the needs of such roads, and the manner in which the funds shall be expended for the fiscal year to which the agreement applies. The plan for each county shall be formulated and agreed to annually. If at the end of thirty (30) days after the beginning ot a fiscal year of the Department of Highways the Department and fiscal court of any county have failed to agree on any plan or the fiscal court of any county has refused to pass such resolution as provided above or has refused to submit a plan, the Department may expend the money apportioned to that county on the county roads and bridges thereof in such a manner as the Department determines."

§ 2. Section 179.430 of the Kentucky Revised Statutes is amended to read as follows:

"(1) All the funds apportioned under the provisions of KRS 179.410 shall be expended under the direction of the

Department of Highways and no part of the fund shall be turned over to any county or its fiscal court if such fiscal court has by resolution declared that such fund shall be expended for construction and maintenance of county roads by the Department of Highways. In the event the fiscal court declares by resolution that such apportioned funds shall be expended by the fiscal court for the construction and maintenance of county roads, then such funds shall be turned over as provided in KRS 179.420 to the treasurer of such county.

"(2) In order to provide for the simplification of the administration and facilitate the uniform operation of KRS 179.410 to 179.440, the Department of Highways may prescribe such reasonable rules and regulations, not inconsistent with law, as the Department of Highways deems necessary and proper for the information and guidance of the fiscal courts of the several counties."

By Mr. Miller.

H. B. 25. An Act providing that no employee of the Commonwealth in the Old Age Assistance may work in elections, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That any employee of the Commonwealth of Kentucky assigned to the Division of Old Age Assistance, Department of Welfare, who solicits votes, transports voters, or causes voters to be transported, or campaigns in any manner for any candidate for public office, municipal, county, state or national, in any primary, special, or general election, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $500 nor more than $1,000 and confined in the county jail for not less than thirty days nor more than ninety days, and shall be discharged by the Com-

monwealth of Kentucky and not re-employed in any division of the state government.

(2) No person who solicits votes, transports voters, or causes voters to be transported, or campaigns for any candidate for public office in a municipal, county, state, or national election, whether primary, special, or general election, shall be employed by the Commonwealth of Kentucky and assigned to the Division of Old Age Assistance, Department of Welfare, until the expiration of two years from the date of such election in which such person participated.

By Mr. Miller.

H. B. 26. An Act providing for payment of indebtedness of counties whether floated or funded, directing created by such county for construction of county roads and bridges.

Said bill is follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated as a continuing appropriation every year until the county road and bridge indebtedness, whether floating or funded, of all the counties of the Commonwealth of Kentucky has been fully paid, the sum of two million dollars ($2,000,000.00) per year.

§ 2. Such funds shall be allocated from the total sum appropriated by the Legislature for any biennium for the Department of Finance as follows: One-half of the sum appropriated shall be apportioned equally between the one hundred twenty (120) counties of the Commonwealth, and one-half of the sum shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the Commonwealth.

§ 4. Such fund shall within ninety days after the beginning of a fiscal year of the Department of Highways be paid to the Treasurer of the respective counties and shall be used by the respective counties as follows:

(1) For the payment of interest and/or principal of any funded debt of said county created exclusively by the construction, improvement, reconstruction, and maintenance of county roads and bridges.

(2) If there be no such funded indebtedness owing by said county or counties such fund shall be used for the payment of any floating indebtedness owing by said county or counties provided such floating indebtedness was created by the construction, improvement, reconstruction, and maintenance of county roads and bridges.

(3) If there is no funded indebtedness or floating indebtedness, created exclusively by the construction, improvement, reconstruction and maintenance of county roads and bridges, then such fund, or whatever sum in excess of the requirements of the payments on the floating or funded indebtedness, shall be expended by the fiscal court for the construction, improvement, reconstruction, and maintenance of said county roads and bridges within said counties.

§ 5. It is the intention of the Legislature that these funds shall be provided annually irrespective of the provisions of law now existing prohibiting continuing appropriations and such money shall from year to year be provided until the entire road and bridge indebtedness of every county in Kentucky, whether such indebtedness be floating or funded, is paid in full.

§ 6. None of the funds provided in this Act shall be used to retire any indebtedness of any kind whatsoever which was not created and in existence prior to January 1, 1944.

By Mr. Knuckles.

H. B. 27. An Act relating to annual leave for teachers and other employees of public school districts.

Said bill is follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No salary schedule of a public school district board shall be approved by the State Board of Education unless that schedule provides for annual leaves with full pay for all teachers and other employes of not to exceed twenty days in any one calendar year, on the proportionate basis of two working days for each month of continuous employment during one calendar year.

(2) No salary schedule of a public school district board shall be approved by the State Board of Education unless that schedule provides for sick leave with full pay for all teachers and other employes of not to exceed twenty days in any one calendar year, when unavoidably absent due to personal illness or exposure to contagion.

(3) Annual leave and sick leave shall be computed proportionally for part-time employe and those leaving the service before the end of the school year, on the same basis as leave for a full calendar year. Sick leave shall not be cumulative from one calendar year to another.

(4) The provisions of this section shall be administered by the State Department of Education, under regulations provided by that department.

§ 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any school superintendent or member of a board of education who fails to allow any employe the leave provided in the approved salary schedule shall be fined not less than fifty dollars nor more than five hundred dollars.

By Mr. Philpott.

H. Res. 28. Resolution authorizing payment of witness claims allowed Monroe Circuit Court to the Peoples Bank of Tompkinsville, Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Peoples Bank of Tompkinsville, Kentucky, is now the owner of witness claims allowed in the Monroe Circuit Court at the April, 1942; Spl. Dec. 1941; and Dec., 1941 terms, in the total amount of twenty-six dollars.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by the Peoples Bank of Tompkinsville and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being twenty-six ($26.00) dollars, is hereby appropriated out of the General Fund for that purpose.

By Mr. Hammons.

H. Res. 9. Resolution authorizing Bud Philpott of Tompkinsville to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That, Bud Philpott, of Tompkinsville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Monroe Circuit Court for property damage alleged to have been caused by the Department of Highways and its employes in the construction of a street or highway.

Said suit shall be in a sum not to exceed Two Thousand, five hundred dollars ($2,500.00).

The Attorney-General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Gross.

H. Res. 10. Resolution authorizing payment of witness claims to Laurel Circuit Court, to Lee Swanner.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lee Swaner, of London, Kentucky, is now the owner of witness claims allowed by the Laurel Circuit Court at the April, 1943 term in the total amount of $17.40.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Lee Swaner, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being seventeen and 40/100 ($17.40) dollars, is hereby appropriated out of the General Fund for that purpose.

By Mr. May.

H. Res. 11. Resolution authorizing S. S. Oldfield of Index, Kentucky to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That, S. S. Oldfield, of Index, Kentucky is authorized to sue the Commonwealth of Kentucky in the Morgan Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employes in the construction of a highway.

Said suit shall be in a sum not to exceed five hundred dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in

said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. May.

H. Res. 12. Resolution memorializing Congress to pass a law enabling ceiling prices on crude petroleum to be increased.

Said resolution is as follows, viz.:

WHEREAS, the President of the United States, recognizing the importance of petroleum to the war effort, did on the second day of December, 1942, appoint a Petroleum Administration for War, whose responsibilities were to insure a supply of petroleum to meet the nation's wartime requirements, and

WHEREAS, this Administrator has recommended to the Office of Price Administration that in order to maintain the necessary supply of crude petroleum to meet the wartime requirements of the Army and the essential industrial and civilian demands that the price of crude petroleum should be increased, and

WHEREAS, the Price Administrator has failed and refused to make such increases as have been recommended, and

WHEREAS, the Honorable Fred M. Vinson, Director of the Office of Economic Stabilization, in passing upon the request of the Petroleum Administrator for such price increase, which recommendation was then on appeal with the Office of Economic Stabilization, decided that such increases could not be made because they were not required by law, and

WHEREAS, the President of the United States on April 8, 1943, issued Executive Order 9328, part of which is as follows: "The Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living, (he) is directed to authorize no further increases in ceiling prices except to the minimum extent required by law . . .", and

WHEREAS, the Executive Order of the President of the United States has been interpreted by the Office of Economic Stabilization as preventing them from authorizing increases in the ceiling prices of crude petroleum, unless specifically required by law, and

WHEREAS, it is well established that in order to insure an increase in production and a continuance of production of crude petroleum in the State of Kentucky, as well as throughout the Nation, it is necessary that the price of crude petroleum be increased, and

WHEREAS, there is now pending before the Congress of the United States a bill H. R. 2887 which has been passed by the House of Representatives and is now pending in the Senate of the United States, which bill has for its objective authorizing an increase in the ceiling price of crude petroleum, and

WHEREAS, this bill is now pending in the United States Senate for action; NOW THEREFORE,

Be it Resolved by the House of Representatives, the Senate concurring therein:

§ 1. That we memorialize the members of the Congress of the United States, both in the House and in the Senate, that they, at the earliest possible date, take such action as may be necessary to pass legislation of the character and kind above referred to as H. R. 2887, or take such other and additional action as may be necessary to authorize and require the approval of such increases as may from time to time be necessary to insure sufficient supply of crude petroleum in the United States to meet the wartime requirements of the United States, including essential industrial and civilian demands.

§ 2. The Clerk of the House of Representatives, immediately upon the passage of this Resolution shall send copies thereof to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and the Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

By Mr. May.

H. Res. 13. Resolution providing for purchase of Kentucky Directory and distribution thereof — appropriating $1,100.00 to purchase same.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1944 Edition.

Section 2. That the State Librarian shall purchase, at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1944", for the use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish the members of the General Assembly and such officers as are designated by the presiding officers of the respective houses a copy of same and shall furnish the state officials with copies thereof and shall send a copy to the circuit court clerk of each county in the state to be kept in his office. The Librarian shall furnish to the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretaries of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Ordered that said bills and resolutions be printed and referred.

The Speaker announced that he had referred bills previously introduced as follows, viz.:

H. B. 1. To Committee on Revenue and Taxation.

H. B. 2. To Committee on Ways and Means.

H. B. 3. To Committee on Revenue and Taxation.

H. B. 6. To Committee on Revenue and Taxation.

H. B. 7. To Committee on Revenue and Taxation.

H. B. 9. To Committee on Appropriations.

H. B. 10. To Committee on Ways and Means.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 1. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate and $750.00 for a contingent fund for the Clerk of the House.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by Chapter 1 of the Acts of 1942 for legislative sessions as a contingent fund, the sum of seven hundred and fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the acts of 1942 for legislative sessions as a contingent fund, the sum of seven hundred and fifty ($750.00) dollars. Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Henry Arrowood	Jerry F. Howell	Edw. P. Prichard
F. H. Bassett, Jr.	J. J. Huff	James E. Quill
W. G. Biggers	W. N. Hughes	C. R. Reeves
Douglas T. Bolling	W. H. Hunt	L. Allen Rhoads
J. C. Bradley	Lee Johnson	H. G. Royalty
Jno. W. Burkhart	Paul S. Jonas	Amos Runyon
Chas. W. Burnley	Wm. E. Justice	Carl Scheben
C. D. Call	M. Kavanaugh	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Willis Champion	J. T. Linton	Leon J. Shaikun
Jno. H. Clarke, Jr.	Homer E. Losey	Jno. W. Simmons
A. Roy Copeland	A. L. Love	Faust Y. Simpson
Marvin Cornett	Pearl McKinney	George T. Smith
John Henry Cox	C. C. May	Robt. J. Spaulding
John P. Craig	Johnston Miller	E. A. Spencer
Fred Creasey	Harry L. Moore	Arthur Stallard
Thos. S. Dawson	Herbert V. Moore	Geo. W. Steinford
Adron Doran	J. Lee Moore	Joe Stewart
J. R. Dorman	L. D. Moore	Thos. M. Swope
T. H. Dyer	W. B. Moser	C. W. Taylor
Bernie S. Edlin	C. Sid Nabb	Egbert V. Taylor
Dr. J. C. Gabbard	Coy C. Nevitt	H. Thieman, Jr.
Chas. B. Gentry	Joe E. Nunn	Otis C. Thomas
Franklin Goins	Chester Peterson	E. B. Thompson
J. D. Gross	Albert W. Pfeiffer	John L. Trumbo
R. M. Hall	Sylvester Phillips	S. J. Wagner
Jas. P. Hallahan	James T. Philpott	Harry F. Walters
Claude Hammons	J. Gip Prather	R. E. West
Benton Howard	L. W. Preston	Taylor Witt
Clyde S. Howard	Kleber F. Price	—89

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 2. Resolution appropriating additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz.:

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230 inadequate for the proper functioning of the business of the Senate and the House during 1944 regular session.

Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Cloakroom Keeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230 the sum of Thirty Dollars ($30.00) per diem, for each body, for the duration of the 1944 regular session.

2. That the aforesaid amount shall be pro rated among the aforenamed constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936 and K. R. S., 6.230, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936, and K. R. S., 6.230.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1944 regular session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approved by the Governor of the Commonwealth of Kentucky.

Mr. Hammons offered the following amendment to said resolution, viz.:

Amend H. Res. 2 on page 1, section 1, line 7 by striking the words "Thirty-Dollars ($30.00) and inserting in lieu thereof "Seventy Dollars ($70.00).

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Henry Arrowood	Benton Howard	Edw. P. Prichard
F. H. Bassett, Jr.	Clyde S. Howard	James E. Quill
W. G. Biggers	Jerry F. Howell	C. R. Reeves
Isaac Blevins	W. N. Hughes	L. Allen Rhoads
Douglas T. Bolling	W. H. Hunt	H. G. Royalty
J. C. Bradley	Lee Johnson	Amos Runyon
Jno. W. Burkhart	Paul S. Jonas	Carl Scheben
Chas. W. Burnley	Wm. E. Justice	F. W. Schuhmann
C. D. Call	M. Kavanaugh	Vernon Seaton
Fred Carpenter	G. M. Knuckles	Leon J. Shaikun
Willis Champion	J. T. Linton	Jno. W. Simmons
Jno. H. Clarke, Jr.	Homer E. Losey	George T. Smith
A. Roy Copeland	A. L. Love	Robt. J. Spaulding
Marvin Cornett	Pearl McKinney	E. A. Spencer
John Henry Cox	C. C. May	Arthur Stallard
John P. Craig	Johnston Miller	Geo. W. Steinford
Fred Creasey	Harry L. Moore	Joe Stewart
Thos. S. Dawson	Herbert V. Moore	Thos. M. Swope
Adron Doran	J. Lee Moore	C. W. Taylor
J. R. Dorman	L. D. Moore	Egbert V. Taylor
T. H. Dyer	W. B. Moser	H. Thieman, Jr.
Bernie S. Edlin	C. Sid Nabb	Otis C. Thomas
Dr. J. C. Gabbard	Coy C. Nevitt	E. B. Thompson
Chas. B. Gentry	Joe E. Nunn	John L. Trumbo
Franklin Goins	Chester Peterson	S. J. Wagner
J. D. Gross	Albert W. Pfeiffer	Harry F. Walters
R. M. Hall	Sylvester Phillips	R. E. West
Jas. P. Hallahan	James T. Philpott	Taylor Witt
Claude Hammons	J. Gip Prather	
B. C. Holbrook	Kleber F. Price	—88

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

Said resolution is as follows, viz.:

WHEREAS, it is a matter of importance and convenience that each Representative and each Senator be advised as to the various and detailed steps of legislation; and

WHEREAS, the General Assembly for each of the past sessions since 1912 has approved and adopted as its official publication "The Legislative Digest", published under the management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and prompt manner; now, therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky and the Senate of the Commonwealth of Kentucky concurring, that:

§ 1. The C. T. Dearing Printing Company hereby is authorized, requested and directed to furnish two hundred (200) copies of "The Legislative Digest" daily for delivery and distribution as hereinafter provided. The C. T. Dearing Printing Company will be paid the sum of two thousand and five hundred ($2,500.00) dollars for furnishing two hundred copies of "The Legislative Digest" daily as provided in this Resolution, which amount hereby is fixed, determined,

approved and allowed as a contingent expense of the 1944 regular session of the General Assembly of Kentucky. Said amount will be paid on or before March 30, 1944, out of the appropriation made by Chapter I of the Acts of 1942 for legislative sessions. The C. T. Dearing Printing Company will present to the Speaker of the House and to the President of the Senate its bill for two thousand and five hundred ($2,-500.00) dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved the Department of Finance shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

§ 2. The C. T. Dearing Printing Company hereby is directed to furnish and deliver daily to the Clerk of the House one hundred and ten (110) copies of "The Legislative Digest" for distribution to the Members of the House and to such officers of the House as the Speaker may direct; to furnish and deliver daily to the Clerk of the Senate forty-five (45) copies of "The Legislative Digest" for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct; and to furnish and deliver daily the remaining forty-five (45) copies of "The Legislative Digest" to the Governor of the Commonwealth of Kentucky and to such departments, officers and employees of the Commonwealth as the Governor of the Commonwealth, the President of the Senate and the Speaker of the House may direct. The Speaker of the House, the President of the Senate and the Governor of the Commonwealth hereby are requested to furnish to the C. T. Dearing Printing Company a list of the departments, officers and employees to whom said copies are to be furnished as hereinabove provided.

The word "daily" as hereinabove used shall be construed to mean each day that the House or Senate is in session.

§ 3. "The Legislative Digest" hereby is adopted and approved as the official publication of the General Assembly of Kentucky.

§ 4. The Clerk of the House of Representatives, on the passage of this Resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance as a charge against the appropriation hereinabove referred to.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provision of theConstitution, were as follows, viz.:

Henry Arrowood	Willis Champion	T. H. Dyer
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Bernie S. Edlin
W. G. Biggers	A. Roy Copeland	Dr. J. C. Gabbard
Isaac Blevins	Marvin Cornett	Chas. B. Gentry
Douglas T. Bolling	John Henry Cox	Franklin Goins
J. C. Bradley	John P. Craig	J. D. Gross
Jno. W. Burkhart	Fred Creasey	R. M. Hall
Chas. W. Burnley	Thos. S. Dawson	Jas. P. Hallahan
C. D. Call	Adron Doran	Claude Hammons
Fred Carpenter	J. R. Dorman	B. C. Holbrook

Benton Howard	J. Lee Moore	Vernon Seaton
Clyde S. Howard	L. D. Moore	Leon J. Shaikun
Jerry F. Howell	W. B. Moser	Jno. W. Simmons
W. N. Hughes	C. Sid Nabb	Robt. J. Spaulding
W. H. Hunt	Joe E. Nunn	E. A. Spencer
Lee Johnson	Chester Peterson	Arthur Stallard
Paul S. Jonas	Albert W. Pfeiffer	Geo. W. Steinford
Wm. E. Justice	Sylvester Phillips	Joe Stewart
M. Kavanaugh	James T. Philpott	C. W. Taylor
G. M. Knuckles	J. Gip Prather	Egbert V. Taylor
J. T. Linton	L. W. Preston	H. Thieman, Jr.
Homer E. Losey	Kleber F. Price	Otis C. Thomas
A. L. Love	Edw. P. Prichard	E. B. Thompson
Pearl McKinney	James E. Quill	John L. Trumbo
Ed Marcum	L. Allen Rhoads	S. J. Wagner
C. C. May	H. G. Royalty	Harry F. Walters
Johnston Miller	Amos Runyon	R. E. West
Harry L. Moore	Carl Scheben	Taylor Witt
Herbert V. Moore	F. W. Schuhmann	—86

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Quill moved that the House do now adjourn to meet again on Monday, January 10, at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

JANUARY 10, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Charles W. Grant of the Methodist Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford

Joe Stewart	H. Thieman, Jr.	H. L. Waterfield
Thos. M. Swope	Otis C. Thomas	R. E. West
C. W. Taylor	E. B. Thompson	Taylor Witt
Egbert V. Taylor	S. J. Wagner	
Roy L. Taylor	Harry F. Walters	—94

Mr. Quill moved that the reading of the Journal of Thursday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howell moved that the privilege of the floor be extended to Mr. and Mrs. W. H. Howell of Harold, Kentucky.

Said motion was agreed to.

Mr. Thomas moved that the privilege of the floor be extended to Mr. L. A. Wash of Lexington, Kentucky.

Said motion was agreed to.

Mr. Goins moved that the privilege of the floor be extended to Mr. Joe Carpenter of Frankfort, Kentucky.

Said motion was agreed to.

Mr. C. W. Taylor moved that the privilege of the floor be extended to Mr. Reuben Boling from Breckinridge County.

Said motion was agreed to.

Mr. Quill offered a resolution of the following title, viz.:

H. Res. 14. Resolution appropriating $210.00 for the purchase of ten copies of Kentucky Revised Statutes and Carroll's Kentucky Code of Practice.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the sum of one hundred and fifty dollars ($150.00) is hereby appropriated for the purpose of purchasing ten (10) copies of the Kentucky Revised Statutes, and that said sum is to be paid by the Director of Finance to the Statute Revision Commission upon the delivery of the ten (10) copies of the Kentucky Revised Statute.

(2). There is further appropriated the sum of sixty dollars ($60.00) for the purchase of "Carroll's Kentucky Revised Code" from the Banks Bandwin Publishing Company and the Director of Finance is directed to pay said sum to the Banks Baldwin Publishing Company upon delivery of the copies of Carroll's Kentucky Code to the General Assembly.

Ordered that said resolution be printed and referred to Committee on Appropriations.

The hour of two o'clock P. M. having arrived, the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and The Honorable Kenneth H. Tuggle, Lieutenant Governor and President of the Senate, took the Chair and presided and The Honorable Harry Lee Waterfield, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time the Committees heretofore appointed on the part of the Senate and the House of Representatives, to

wait upon the Governor, appeared upon the floor of the House with His Excellency, Simeon Willis, Governor of the Commonwealth of Kentucky, who, having taken his place at the Clerk's desk, addressed the General Assembly in Joint Session, as follows, viz.:

LIEUTENANT GOVERNOR TUGGLE, MR. SPEAKER, AND MEMBERS OF THE GENERAL ASSEMBLY:

The General Assembly convenes at a critical time in the life of our country. The President has reminded us recently that there are over ten million men in the armed services of the United States. Of these, nearly four million are overseas. Kentucky has about 250,000 men and women participating in the war effort. Every fireside is affected. The hope is justified that the victory will soon be won, but we still have much to face in the way of suffering and sacrifice and personal tragedy. Many costly battles are yet to be fought and the people must maintain the resolution and effort necessary to final success. It is a time for high endeavor, for conservation of all resources, for dedication to a supreme task. It is no time for petty partisan politics. The production of food stuffs, war materials, supplies, and weapons of all kinds rests heavily upon the people at home. Nothing can be permitted to hamper this work. The Government of Kentucky must be efficient, and everything within our power must be done to win the war.

The first thing to be determined by you is the Budget Appropriation, with a legislative program for the welfare of Kentucky. The budget must be kept in balance. We can not spend money we do not have. This is not only common sense, but it is law. Hence, the amount of money to be appropriated by you is the very first problem for your consideration. Until it is settled nothing else can be settled. The Legislative Council and the Governor studied the requests of the various units and heard representatives of the several departments. The work was not completed for lack

of time, but a comprehensive view of the requirements for each departmental unit was obtained. It was soon apparent to all that the estimated revenues were not sufficient to meet all the requests. It is a condition and not a theory that confronts us. A budget bill has been carefully prepared by the responsible officials, and it is ready for your consideration. The complete budget report is in the hands of the printer, and it will be on your desks as soon as it can be printed.

The total amount proposed to be appropriated by this Act for the fiscal year 1944-1945, is $32,376,700. This includes the provision of $1,000,000 each fiscal year for the institutional improvements. It does not include the disbursements of county fees because these amounts after July 1, 1944, under a new law, will be cleared through the State Treasury, without any addition to state income, or reduction of expense.

For the second year of the biennial period, the total amount to be appropriated is $32,606,800, on the same basis as for the first year. This is an increase over the last fiscal year when the total was $28,774,207.56, as shown in the last message of Governor Johnson. The contingent appropriation of $3,000,000 for that year which was expended in rehabilitation of the penal and charitable institutions was not included in the total sum mentioned. The largest item in the proposed budget is the $15,000,000 for the per capita school fund, of which the full ten per cent authorized by the Constitution is set apart for the equalization fund. The law should be amended to provide for a wider distribution of this fund to help more of the needy school districts. It is this provision for the common school fund that accounts for the increase over last year's budget.

The teachers retirment fund appropriation is fixed at a figure to comply with the statute. The crisis in which the state, as well as the country, is involved does not lessen our

duty to educate our children and our youth. This obligation can not be postponed, but must be continuously met. The amount to be allowed to the common schools has been endorsed by the educators of the state, and I have given my support to the school program. I am confident this program has the approval of the people and of the General Assembly.

As to the institutions of higher learning, the amounts have to be determined from past experience and reasonable expectations as to the future needs. They are now engrossed in war work and the student bodies are very much reduced. This budget makes provision for them on the assumption that normal conditions will return during the period involved.

Capital outlays must be deferred during the war on account of critical materials needed for the war program, and because of the necessity for cutting expenditures wherever possible. The scarcity of materials and the drain on man power create the necessity for delay in construction which can be done better after the crisis is over and conditions are stabilized. While the work is carried along, plans can be perfected for a post-war program of a permanent nature.

The effort to reduce expenses is complicated by the increase in prices, both of labor and of materials. It would be fortunate if we could grant the requests of the various departments, but that is impossible since they exceed all estimates of possible revenue. A careful study has been made and reductions as drastic as practicable have been applied. It is not deemed prudent at this time, and with present information, to cut them deeper. Few increases have been allowed over the appropriations for the previous year. In most cases reductions have been made.

The remaining six months of the fiscal year will give us an opportunity to observe the operations of all the departments of government. It may be possible to make greater savings than we can now anticipate. When we enter upon the new fiscal year, we hope to be able to save money even

out of these proposed appropriations which will be available to take care of needed improvements at the various institutions. You know how difficult it is to prepare a budget today that will fit the conditions six months hence, much less to provide for two whole years, beginning six months in the future. For that reason, some flexibility must be allowed, and while we must make the budget sufficient to cover the expenses that appear to be essential, any savings that can be effected will be passed to the surplus. That will help us to go forward with the work of improving the institutions. The surplus fund is a cushion against declining revenues, and it must be kept as large as possible while we are passing through this crisis of war. It should be kept free to meet contingencies that may arise. It is not only unwise, but dangerous, to encumber or dissipate the whole surplus fund. It should be maintained in a substantial amount as a safe guard against fluctuations in the revenue, and to provide for the necessary work in progress at the institutions.

There are a large number of appropriations that are fixed, and no changes can be made in them. The emergency fund of $250,000 for each year has been retained. The special emergency funds of the last fiscal year have been omitted. It is thought that the above provision will be adequate for all actual emergencies, and it will not be spent otherwise.

The emergency fund for lands and buildings, of $1,000,000 each year, will be sufficient for the improvement of the institutions that can not well be postponed. The Chief Engineer advised the Legislative Council that this sum is urgently needed and should be provided if at all possible to do so. It will make useful the improvements now in course of completion, which otherwise could not be used until additional provision was made. This includes the mental hospitals, the Feeble-Minded Institute, the School for the Deaf, the state schools under the direct supervision of the State Board of Education, and the Hazelwood Tuberculosis Hos-

pital. In all other cases the claims of the various units have been considered, and the proposed act appropriates to each what was represented as the irreducible minimum to make it efficient.

The physical improvements at the institutional buildings that are in course of construction must be carried to completion. That is expected to require about eight months. As these improvements are completed greater emphasis must be placed on improvements in administration. Some of the work in course of construction was suspended last year, but this has been corrected and that work will proceed. My policy is that all force account work must be restricted within the limitations of the law, and where a contract to be let after public bidding is feasible, it must be done that way. Where conditions have been created which may result in damage if force account work is not continued to a reasonable extent, an emergency is presented which requires the state, for its own protection against loss, to do enough force account work to protect its property.

The proposed act appropriates $2,760,000 for the Welfare Department and $4,250,000 for Old Age Assistance in cooperation with the federal government under the Social Security Act. Additional sums amounting to $102,000 are provided for the home for incurables, for the Colored Red Cross Hospital, for the conveyance of lunatics and for pauper idiots.

The appropriations for the Highway Department have been continued, and provision is made for the Highway Patrol.

The proposition to divert road funds to the payment of toll bridge revenue bonds, or other purposes, is fundamentally fallacious. The road funds are needed to build and maintain roads. Such delay as the war causes in present construction will enable the department to plan for a large program when

the war ends. These funds will be matched by Federal funds if applied to road building, but if diverted to other uses the Federal money would be lost to the State. The toll-bridges are safely financed and the plan under which they were built should be carried out without disturbance under present conditions. These are the main features of the proposed act, and the numerous other items need not be particularly described. You will have all the details in the Budget Report soon to be delivered to you. You will note that no provision has been made for the State Fair, except for the second year of the biennium.

The next subject of vital importance for your most careful consideration is the revenue which may be expected to meet the expenditures required by the appropriation act. Only the amount of money actually realized can be expended. If the appropriations should exceed the revenues it will be necessary to bring the expenditures within the income, regardless of the amount of the appropriation. The Commissioner of Revenue has made careful estimates of what may be reasonably expected under the present tax laws. He warns us, however, that these estimates depend upon a number of factors which may change the picture. In explanation of his estimates, the Commissioner of Revenue stated:

"Under stable economic conditions, and in the absence of direct government controls, reasonably accurate predictions for most taxes may be developed on the basis of past performance. But today war is the Nation's business. Our war economy consumes 70% of total industrial production, according to authoritative sources. The outlook for business in the months ahead thus depends, to a large extent, on Federal fiscal and economic policies."

The complete estimate for the first fiscal year of the next biennium, eliminating county fees which do not affect the total, is an income of $30,753,250. For the second year of the biennium, the estimate is for $30,645,250. On the basis of

these estimates it requires all receipts under the present tax structure, and approximately $4,500,000 additional, from the surplus fund to meet the proposed appropriations, including the million dollars each year for the work of rehabilitation at the various institutions. This would carry us through the biennium with a cushion of about three and a half million dollars at the end. The surplus at the beginning of the current fiscal year was approximately twelve million dollars. The budgetary records for the current years operations, indicate, on the basis of the present estimate of receipts, that this surplus will be reduced to about eleven million dollars on July 1, 1944. The deficiency appropriation contemplated for the schools this year will further reduce the estimated surplus by three million dollars, leaving, if there are no other deficiency appropriations, a surplus of approximately eight million dollars. The appropriations provided by the proposed budget act will thus exceed estimated receipts by $3,500,000, which will reduce the surplus to $4,500,000 at the end of the next biennium. This results from the increased provision for the schools and the institutions. If the personal income tax alone should be repealed now, and the corporation income tax retained, it would reduce the estimated income to such an extent that a deficit for the biennium of $1,860,000 would result, even after complete exhaustion of the surplus.

In my opening address at Mt. Sterling I said:

"The state income tax under present conditions is an unjust burden and the purpose for which it was adopted has been served. It should be the first tax to be repealed, and by its repeal industrial enterprise will be stimulated and encouraged."

I said further in the same address:

"The loss to the general fund from the repeal of this tax can be replaced by a determined reduction of expenses,

by savings resulting from a proper management of the purchasing department, and by cutting the enormous payroll of the state as any good business manager would slash it."

At the same time, I called attention to the fundamental fact that the budget must be kept in balance, and that expense must not exceed income. I strongly favor the repeal of that tax at the earliest possible date that it can be done without impairment of the services which must be rendered by the government. It will take time to learn the necessities of all the departments and to ascertain where and how much expenses may be reduced without impairment of efficiency. I believe that great savings can be effected and I shall work diligently with all the officers and agents to that end. But until these improvements in administration, and savings in expenses are accomplished facts, we must not impair the ability of the state to carry on in an orderly way.

I am just beginning my administration, but the reduction of expenses will be made as rapidly as possible, bearing in mind always that the efficiency of the government must be maintained. I shall select the most capable men available to carry out this program. Conditions are changing from day to day. Estimates of income are conditioned on these changes. The impact of Federal taxes, as well as economic dislocation due to the war, constantly affect income. When the war ends and normal conditions return, the revenues from many sources will return. Just as soon as the revenues which have been stopped by the war revive and the savings and economies which we shall realize produce sufficient funds to balance the budget, I shall ask the General Assembly to repeal that tax. If that time comes sooner than we can now foresee, I shall not hesitate to call a special session for the purpose. It should not be done hastily at a time when it would affect the solvency of the government. With the loss of revenue we have suffered, and with the extraordinary requirements for the schools and for the institutional program,

as reflected in this proposed budget act, it is certainly prudent to delay action on the repeal of any tax until conditions are stabilized, so that plans may be made for the future with safety. If any tax was repealed now, and the proposed budget act was passed, it would be necessary to provide some new taxes to produce the additional revenue required to keep the government operating within its income. Otherwise, the expenditures would have to be curtailed. The uncertain and changing conditions make it very difficult to discover a source of revenue that would be reliable and constant. The people are struggling to meet their obligations to the National Government in carrying the expenses of the war. The Collector of Internal Revenue has just published the fact that $485,910,065 was collected in this state for the Federal Government during 1943. This huge sum may be even larger in 1944. It will be a great relief to the people of Kentucky when we are able to cut expenses and improve the revenues to an extent that will enable you to repeal some of the most oppressive state taxes.

In all my public and private discussions of a program of government I have set forth the following objectives to be earnestly sought:

1. The budget must be kept in balance, and nothing expended beyond the revenues. Good housekeeping requires that the state live within its means.

2. The essential services of the government must be carried on without impairment, and for the welfare of all the people.

3. The schools should have relief, both immediate and for the next biennium, and the crisis caused by the war must be met.

4. That the care of the wards of the state, the sick, the aged, and the afflicted, dependent altogether or partly upon

the assistance of the government, had to be maintained and improved.

5. The tax payers desire relief to enable them to meet the increasing demands of the National Government for the necessary expense of the war. No new taxes should be asked, if possible to avoid it, and all taxes hurtful to economic development should be avoided.

These objectives should be attained as rapidly as conditions will permit. I am sure that all of them can be accomplished in an orderly way and within a reasonable time by the cooperation of the several branches of the government. Most of the requests presented to the Legislative Council represent meritorious claims for consideration. The possible revenues under present laws, according to the most reliable estimates, could not exceed $30,750,000, as before stated. Obviously it was necessary to cut these requests to the irreducible minimum consistent with efficient government. After cutting their requests as much as was possible, with our present information, we have been unable to bring the total within the range of the prospective revenue. Of course, they will have to live within the revenue, regardless of the amount appropriated. If conditions should quickly change and revenues revive we will be able to carry forward the program. It is to be regretted that we can not today grant all of the requests for revenue and at the same time give immediate relief to the tax payers, but obviously that is impossible. So long as we are engaged in war we must carry on to the very best of our ability under changing conditions. When the war is over, and normal conditions return, we will be able to accomplish all the objectives for which we are striving.

From time to time I shall request the enactment of legislation.

The Constitution limits to two the number of amendments that may be voted upon at one time. I recommend

that the right of way be given the proposal to confer upon men and women in our armed forces the right to vote in all elections, wherever they may be stationed. In my opinion the amendment should be broadened for the benefit of absent citizens in the service of the country so as to enable the General Assembly to enact laws to exempt them from taxation while in the service. Certainly the General Assembly should have the power to protect our defenders wherever they may be.

In regard to the Highway Department, I have requested a reorganization along lines purely constructive and economical. The office of Advisory Highway Commissioners should be abolished. Resignations of the nine men holding these positions were accepted and the places have been left vacant. Bills have been prepared to carry out this reorganization and I trust they may meet with your approval.

I recommend that the Attorney General's office be required to handle all the legal business of the state, and the special acts taking away from him certain rights and duties should be repealed. This act will be presented to you in due course. Likewise an act will be offered on behalf of the Department of Agriculture, Labor, and Statistics. The other legislation which may be required from time to time will be requested in special messages.

Dissatisfaction has been expressed from many sources in regard to the alcoholic control system. A complete study of that subject is being made, and later such information as may be available, with the recommendations I find advisable, will be transmitted to you.

A number of subjects call for consideration and new legislation. These will be submitted to you with recommendations from time to time. It shall be my purpose to propose nothing but constructive legislation for the betterment of conditions. Especially pressing is the proposed plan for the

tuberculosis hospitals in the Eastern and Western parts of the State. I wish to have a representative commission of legislators, citizens and professional men to prepare and report a plan for the location, construction, maintenance, and operation of such institutions.

I ask the cooperation and support of every member of the General Assembly. I hope that this session may achieve results for the welfare of Kentucky, and do nothing to her hurt. You will find me ready to assist and cooperate with you in every thing pertaining to the good of the State, and all the departments of the government will furnish you any assistance within their power.

In this time of war in which we are all deeply and vitally concerned, we have a great opportunity to perform a great task in a great way for the welfare of our people. Let nothing distract us from the pursuit of this high purpose. May all the patriotism, energy, and intelligence we possess be united to promote the public interest, and the general happiness of our people.

SIMEON WILLIS, Governor.

Jan. 10, 1944.

Senator Moss moved that two hundred copies of the address delivered by Governor Willis be printed for distribution to members of the General Assembly.

Said motion was agreed to.

Senator Moss moved that the Joint Session of the General Assembly do now dissolve.

Said motion was agreed to.

The Speaker resumed the Chair and called the House to order.

Mr. Dorman moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. J. Lee Moore moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committee on Appropriations to which the same had been referred, reported a resolution entitled:

H. Res. 14. Resolution appropriating $210.00 for the purchase of Kentucky Revised Statutes and Carroll's Kentucky Code, Revised Edition.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

The Speaker announced that he had referred bills and resolutions previously introduced, as follows, viz.:

H. B. 10. To Committee on Ways and Means.

H. B. 21. To Committee on Revenue and Taxation.

H. B. 26. To Committee on Appropriations.

H. Res. 4. To Committee on Appropriations.

H. Res. 12. To Committee on Ways and Means.

H. Res. 13. To Committee on Appropriations.

Mr. Quill moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. J. Lee Moore.

H. B. 28. An Act relating to the organization and functions of the Department of Agriculture.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of eight members, as follows:

(a) The Commissioner of Agriculture, Labor and Statistics.

(b) The Dean of the College of Agriculture of the University of Kentucky; and

(c) Six members appointed from the state at large by the Governor, at least one of whom shall be a member of the Kentucky Farm Bureau Federation.

(2) The members appointed by the Governor shall be appointed for terms of four years each, beginning at the expiration of the terms of the members of the board whose terms expire as follows: two in 1942; two in 1944; and two in 1945.

§ 2. Section 247.110 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics shall be chairman and executive officer of the State Fair Board.

§ 3. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics shall be the executive officer of the State Fair Board. He may employ such members and agents as the board deems necessary for the conduct of its affairs and those of the State Fair. He may fix the duties and compensation of any such member or agent, and may require such members and agents to give bond for the faithful performance of their duties, the premium on the bonds to be paid out of the funds of the State Fair Board. He may delegate the management of the State Fair or the State Fair grounds to any member or agent.

§ 4. Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall:

(a) Have the custody and control of the State Fair Grounds, including the buildings and equipment, and may erect and repair buildings on the grounds and make any and all necessary or proper improvements;

(b) Hold an annual fair on the grounds, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral and all other industrial interests of the State; and

(c) Prepare premium lists and establish rules of exhibition for the fair.

(2) It may take and hold property by deed, gift, devise or request, for State Fair purposes.

§ 5. Section 247.150 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics may arrange with the county judge or the officer who has

charge of the police force of any county or city in which the State Fair is held, for the purpose of policing the State Fair Grounds by the state police, and may arrange with the State for the policing of the State Fair Grounds; and he may appoint special police to police properly the State Fair Grounds, and fix compensation for their services. Such police officers shall have the powers and be charged with the duties of peace officers.

§ 6. Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, Labor and Statistics shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at every place on the State Fair Grounds; or he may delegate such control to any employe or agent.

(2) The State Fair Board shall have a prior lien upon the property of any concessionaire, exhibitor or person, immediately upon its coming or being brought on the grounds, to secure existing or future indebtedness.

(3) The Commissioner of Agriculture, Labor and Statistics may sell the property to satisfy the indebtedness after giving ten days notice to the owner or agent of the owner, or, if notice cannot be given to the owner, after notice is posted for the ten days in the office of the State Fair Board on the grounds, announcing that the property is to be sold. The Commissioner, or his designated employ or agent, may bid and buy in the property offered for sale for the use and benefit of the State Fair.

§ 7. Section 257.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, Labor and Statistics shall appoint the State Veterinarian.

(2) The State Veterinarian shall be a resident of this state and a licensed graduate veterinarian who has practiced veterinary medicine continuously in this state for two years prior to his appointment.

(3) The State Veterinarian shall serve for a term of four years and until his successor has been appointed and has qualified, unless sooner removed by the Commissioner.

(4) The office of the State Veterinarian shall be in the Department of Agriculture at the State Capitol.

§ 8. Section 257.220 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall receive no compensation from any source whatever for his official services other than his salary, which shall be fixed by the Commissioner of Agriculture, Labor and Statistics, but he shall be reimbursed for necessary expenses incurred in the discharge of his official duties.

§ 9. Section 257.230 of the Kentucky Revised Statutes is amended to read as follows:

The State Veterinarian shall be the executive agent of the board in the enforcement of this chapter, shall execute and enforce the regulations of the board made for the enforcement of this chapter, and, under the direction of the board and the commissioner, shall supervise and control the action of all deputies, inspectors, agents and specialists employed by the board. He shall devote his entire time to the duties of his office. He shall recommend from time to time such changes in the regulations of the board, as he deems necessary, and do all other things necessary and proper for the successful enforcement of this chapter.

§ 10. Section 257.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the recommendation of the State Veterinarian, the Commissioner may, within his discretion, appoint a Deputy State Veterinarian.

(2) He shall hold office for a term of four years and until his successor has been elected and qualified, unless sooner removed by the Commissioner.

(3) He shall be a resident of this state, and a licensed graduate veterinarian who has practiced veterinary medicine continuously within this state for a period of two years prior to his appointment.

(4) He shall receive an annual salary fixed by the Commissioner of Agriculture, Labor and Statistics. He shall also be reimbursed the necessary expenses incurred in the discharge of his official duties.

§ 11. Section 257.270 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Agriculture, Labor and Statistics may employ veterinarians for the purpose of carrying out the provisions of this chapter, and may fix their compensation at not to exceed ten dollars per diem and necessary expenses incurred in the discharge of their official duties.

By Mr. J. Lee Moore.

H. B. 29. An Act relating to the employment by the state government of persons who have served or shall hereafter serve in the Armed Forces of the United States.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ (1) Any person who has heretofore entered, or shall hereafter enter service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, shall, upon being discharged from such service, be forthwith re-employed in the same position in which he was employed at the time he entered service, or if such position no longer exists, in a position of equal class and compensation rate. Upon being so re-employed, such person shall not be discharged, except for cause, for a period of time equal to the time such person served in the Armed Forces of the United States. If more than one person has entered the Armed Forces from the same position in any agency or department of the State Government, and each of such persons desires re-employment in such position, the one with seniority in time of service shall be re-employed in such position and the other shall be employed in a position of equal class and compensation rate.

(2) Any person entitled to re-employment under the provisions of this section who, upon application, is not re-employed as required by this section or who is discharged without cause during the period he is entitled to remain in such position under this section, shall have a civil cause of action for damages against the officer having the power of appointment to such position, and in addition have a cause of action against the Commonwealth, and the consent of the Commonwealth is hereby given to suit against the Commonwealth by such person in the Circuit Court of Franklin County. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to re-employment under this section, who fails, upon due application, to make such re-employment, shall be fined

not less than Five Hundred Dollars nor more than Ten Thousand Dollars.

(3) This section is not intended to require the re-employment of any person unless such person makes application for re-employment within three months after his discharge from service in the Armed Forces nor unless such person is physically able to perform the duties of the position in which he seeks re-employment.

By Mr. J. Lee Moore.

H. B. 30. An Act repealing, amending, re-enacting Section 68.090, Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 68.090 of the Kentucky Revised Statutes be repealed, amended, and re-enacted so that when so repealed, amended, and re-enacted, it shall read as follows, to-wit:

"For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of twenty-one years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dollar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed; except that, if an additional tax is required to pay the principal or interest on indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution,

the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.

"It is further provided that in any county which has under the law now in force established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and to provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to such institution or which by existing law or that hereafter enacted such institution may be entitled to receive. Such levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and such ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinbefore provided for."

By Mr. J. Lee Moore.

H. B. 31. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944 supplementing appropriations heretofore made by the General Assembly for such fiscal year.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Fund for the fiscal year ending June 30, 1944, to the Statute Revision Commission, to supplement an appropriation made by the 7942 General Assembly, the sum of $17,000.

§ 2. Whereas, the cost of publishing volumes of Notes and Annotations to the Kentucky Revised Statutes has exceeded the estimate upon which appropriations for the fiscal year ending June 30, 1944, were made, and whereas the im-

mediate completion and publication of such volumes will result in bringing into the State Treasury a sum not less than $32,000, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

By Mr. Howard.

H. B. 32. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 132.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each tax commissioner, from his knowledge, from information in property schedules and from such other evidence as he may be able to obtain, shall assess all the real and personal property in his county at its fair cash value and the property of one person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another. Any grossly discriminatory valuation shall be construed as an intentional discrimination. It shall be his duty personally or through a deputy to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property to secure the assessment lists and to view the property.

(2) If the county tax commissioner assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer, the tax commissioner shall serve notice on the taxpayer of such increase before the beginning of the inspection period. The notice may be given by registered mail or as provided in the Civil Code of Practice.

(3) Any person who fails to supply the county tax commissioner with a complete list of his property and the value thereon in accordance with the requirements of the schedule prescribed for the listing of property within five days after the tax commissioner has given the taxpayer written notice by registered letter to list, shall be subject to a fine of not exceeding fifty dollars, and may be proceeded against as provided in KRS 132.570 and 132.580.

(4) When the tax commissioner gives a notice by registered mail he shall secure a return receipt. The tax commissioner shall be allowed twenty cents for each notice given by registered mail, upon presentation of the return receipt to the Department of Revenue, from the appropriation from which county tax commissioners are paid.

(5) Any taxpayer may designate on his assessment schedule any property which he does not consider to be subject to taxation and it shall be the duty of the tax commissioner to obtain and follow advice from the Department of Revenue relative to the taxability of such property.

(6) Any taxpayer who has a reasonable excuse for not listing his property before the county tax commissioner or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the county tax commissioner. This shall be a compliance with the law in his particular case.

By Mr. Howard.

H. B. 333. An Act relating to the licensing of operators of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (3) of this section, every applicant for an instruction permit or an operator's license shall apply in person to the circuit clerk of the county in which he resides and make application upon a form furnished by the department. The applicant shall make oath to the circuit clerk as to the truthfulness of the statement contained in the form.

(2) Every application shall contain the full name, date of birth, sex, race, and resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked, or refused, and if so, the date of and reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

(3) Any licensed operator whose license has not been suspended or revoked may procure an annual renewal of his license either by applying in person at the office of the circuit clerk or by sending to the circuit clerk by another person or by mail his license certificate for the previous year, together with the license fee and a three cent postage stamp. Upon receipt of any application for renewal by mail, accompanied by the fee and stamp, the circuit clerk shall issue a new license to such person and forward it to him by mail.

(4) No person whose license has been revoked shall apply for or receive a new license until the expiration of

one year from the date of revocation of the former license, nor shall any person whose license is suspended apply for or receive any new license until the expiration of the period for which the license was suspended irrespective of whether or not the license was suspended for a period longer than that for which the license was issued.

§ 2. Section 186.500 of the Kentucky Revised Statutes is amended to read as follows:

Every license certificate shall bear a distinguishing number, the name, age, resident address and a brief description of the licensee, the signature of the licensee, which shall be affixed in the presence of the circuit clerk or his deputy, except as provided in subsection (3) of KRS 186.460, and such other information as the department may reasonably require.

By Mr. Preston.

H. B. 34. An Act authorizing and enabling cities of the fifth class to purchase and establish cemeteries, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Cities of the fifth class, whether organized under the general law or by special charter law, are hereby authorized and empowered to purchase, establish, erect, acquire, accept, maintain, condemn and operate cemetery, or cemeteries for the purpose of burying or interring the dead and other necessary appurtenances thereto, including any and all personal property necessary for the successful conducting of such cemetery, or cemeteries, within or without the

corporate limits of such cities under the provisions of this act.

2. Any city purchasing, condemning, establishing, erecting, acquiring, or accepting any cemetery, or cemeteries, authorized by this Act and desiring to maintain and operate same under the provisions hereof shall by ordinance provide for the appointment of a board of commissioners to operate, manage and control such project, or projects, said board of commissioners to be known by whatever title the city may designate in the ordinance under which it is created. Said board shall consist of five persons, to be appointed by the Mayor to serve for terms of three years and until their successors are appointed, except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without pay. The members of said commission shall be citizens and legal voters of the city, and if any members during the term of his office shall become a candidate for, or be elected to, any public office, he shall automatically vacate his membership from said commission and another person shall be appointed in his place; Provided, however, that this provision shall not prevent a member of said commission from serving as a member of any other appointive office or commission of the city, county, state or federal government. Said commission shall provide rules, regulations and bylaws for the management of said cemetery, or cemeteries, and out of the revenue derived from such cemeteries, it shall pay all operating expenses, provide for such repairs, additions and improvements as may be necessary to be made thereto and provide a fund for payment of any incidental or emergency expenses which may arise and set up a fund to provide for the payment of any debts created in connection with the establishment and maintenance of such cemetery, or cemeteries. The

commission shall have authority to fix the charges for lots sold in the cemetery to individuals and for maintenance, care, upkeep, and use of such lots as it deems necessary and advisable.

4. All properties, both real and personal, which the city may acquire for the establishment and maintenance of such cemetery, or cemeteries, shall be exempt from taxation to the same extent as other public property used for public purposes. The proceeds of all income and sales of cemetery lots shall also be exempt from taxation.

5. Any city which establishes cemetery, or cemeteries, provided by this Act is hereby authorized to acquire by gift, condemnation, devise, bequest, grant, or purchase solely from the funds provided under the authority of this Act, such lands, structures, rights-of-way, franchises, easements or other interests in land, or personal property, necessary for the establishment and maintenance of such cemetery, or cemeteries, and upon such terms, prices, and considerations as may be considered by the city to be reasonable and can be agreed upon between said city and the owner, or owners, thereof. Title to all property acquired for such purposes shall be taken in the name of the city. Whenever property shall be needed by any city of the fifth class for said cemetery, or cemetery purposes, either within or beyond the boundary of such city, in the county in which such city is located, same may be condemned by such city in accordance with the provisions of Section 87.090, Kentucky Revised Statutes.

6. For the purpose of defraying the cost of purchasing, maintaining, establishing, erecting, or acquiring any cemetery, or cemeteries, and necessary appurtenances, thereto, including personal property, under the provisions of this Act, any city may borrow money and issue negotiable bonds

which shall be payable solely out of the revenue from such cemetery, or cemeteries. All bonds under the provisions of this Act may be issued bearing interest at the rate of not exceeding 6% per annum, payable semi-annually, and shall be executed in such a manner and be payable at such times, not exceeding thirty years from the date of issuance, and at such place, or places, as the legislative body shall determine. Any city acquiring a cemetery, or cemeteries, may at any time provide for the addition to and improvement of the cemetery, or cemeteries, by an additional issue of bonds, subject to the procedure required for the issuance of original bonds, or the city may, at the time of issuing bonds for the acquisition, provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as necessary. The bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue, and if additional bonds are issued in lieu of bonds placed in escrow, such additional bonds shall have equal standing with bonds of prior issue.

7. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or countersignatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, the signatures of countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds when issued shall be payable solely from the revenue funds derived from the operation, management and control of such cemetery, or cemeteries, and shall not constitute an indebtedness of such city within the meaning of the provisions and limitations of the Constitution of this commonwealth. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this act and does not

constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

8. All money received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection and acquisition of such cemetery, or cemeteries, and necessary appurtenances thereto, provided such money may be used also to advance the payment of interest on said bonds during the first three years following the date of such bonds. And provided further that the expenses of operation and maintenance thereof may be advanced from these funds, or the city may pay from its general funds the cost of any of the aforesaid property, or maintenance thereof. There shall be and there is hereby created a statutory lieu upon the cemetery, or cemeteries, and necessary appurtenances, including personal property, so acquired by the city to and in favor of the holders of said bonds, and each of them, and to and in favor of the holders of the coupons of said bonds. The cemetery, or cemeteries, together with appurtenances and personal property, established, erected, or acquired, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. A majority of the holders of said bonds, or coupons, may, either at law, or in equity by suit, action, mandamus or other proceedings protect and enforce the statutory lien hereby conferred and may by suit or other proceedings enforce and compel performance of all duties required by this act, including the making and collecting of sufficient fees, the seggregation of the income and revenue, and the application thereof.

9. Any city already owning property may dedicate same for cemetery purposes, to be managed, operated and controlled in accordance with the provisions of this act.

10. Any authority in which is vested the power to provide, conduct and maintain cemetery, or cemeteries, may

accept any grant or devise of real estate, or any bequest, or gift of money, or personal property, or any donation, the principal or income of which is to be used for cemetery, or cemeteries, purposes.

11. All funds derived by the cemetery, or cemeteries, shall be deposited to the credit of the commission in some bank to be designated as depository by the City Council of such city, to be drawn upon by the Chairman of the board of commissioners and countersigned by the treasurer of such city.

12. Whereas this act provides a method of acquiring municipal cemetery, or cemeteries, and whereas several municipalities desire to establish same immediately but may not have an opportunity to do so unless this act becomes a law, now, therefore, an emergency is declared to exist, and this act shall become of full force and effect from and after its passage and approval by the Governor.

By Mr. Egbert V. Taylor.

H. B. 35. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1944, and ending June 30, 1945, and for the fiscal year beginning July 1, 1945, and ending June 30, 1946, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, print-

ing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson, Kenton and Harlan County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1944-1945	$ 5,000.00
1945-1946	$175,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation,

1944-1945	$200.00
1945-1946	$11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1944-1945	$250.00
1945-1946	$250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1944-1945 ..... $1,000.00

1945-1946 ..... $1,000.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945 ..... $40,500.00

1945-1946 ..... $36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,300.00

1945-1946 ..... $15,300.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1944-1945 ..... $800.00

1945-1946 ..... $800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1944-1945 ..... $1,300,000.00

1945-1946 ..... $1,300,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1944-1945	$290,000.00
1945-1946	$290,000.00

(f) *Return of Fugitives from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1944-1945	$4,500.00
1945-1946	$4,500.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1944-1945	$130,000.00
1945-1946	$130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1944-1945	$20,500.00
1945-1946	$20,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1944-1945	$4,000.00
1945-1946	$4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1944-1945	$6,000.00
1945-1946	$6,000.00

(d) *Emergency Funds.*

(d) 1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1944-1945	$250,000.00
1945-1946	$250,000.00

(d) 2. Emergency Fund for Lands and Buildings. For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June, 1944, and at the close of the fiscal year ending June 30, 1945. This sum or amount shall equal the difference between the unencumbered cash balance at said dates in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund preliminary to meeting the budgetary requirements for the 1944-1945 and 1945-1946 fiscal years. The Governor, with the advice of the

Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended during either fiscal year for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of the respective fiscal year, nor shall the sum expended during either fiscal year exceed $1,000,000.00 Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1944-1945	$21,000.00
1945-1946	$21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1944-1945	$1,200.00
1945-1946	$1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1944-1945	$46,300.00
1945-1946	$46,300.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other

necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1944-1945 ..... $5,000.00

1945-1946 ..... $5,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1944-1945 ..... $28,000.00

1945-1946 ..... $12,000.00

7. DEPARTMENT OF TREASURY

State Treasurer. (a) For ordinary recurring expenses of operation,

1944-1945 ..... $34,500.00

1945-1946 ..... $34,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses and operation,

1944-1945 ..... $600.00

1945-1946 ..... $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

Auditor of Public Accounts. For ordinary recurring expenses of auditing for the benefit of the State including all

State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1944-1945	$37,500.00
1945-1946	$37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing.

1944-1945	$155,000.00
1945-1946	$155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1944-1945	$130,000.00
1945-1946	$130,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1944-1945	$16,000.00
1945-1946	$16,000.00

(d) *Public Record Books (Paper and Printing).* For ordinary recurring expenses necessary in the purchase and

replacement of public record books during the fiscal year as provided in KRS 28.130.

1944-1945 ..... $21,500.00

1945-1946 ..... $21,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by KRS 117.070,

1944-1945 ..... $500.00

1945-1946 ..... $500.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(g) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units,

1944-1945 ..... $20,000.00

1945-1946 ..... $20,000.00

(h) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1944-1945	$95,000.00
1945-1946	$95,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1944-1945	$350,000.00
1945-1946	$350,000.00

11. DEPARTMENT OF REVENUE MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1944-1945	$351,000.00
1945-1946	$351,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1944-1945	$18,000.00
1945-1946	$18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1944-1945 ..... $500.00

1945-1946 ..... $500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1944-1945 ..... $500.00

1945-1946 ..... $500.00

(c) Presidential Electors,

1944-1945 Only $700.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1944-1945 ..... $4,250.00

1945-1946 ..... $4,250.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1944-1945 ..... $34,000.00

1945-1946 ..... $34,000.00

(Of this amount $9,000.00 each year shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap National Park,

1944-1945	$37,500.00
1945-1946	$37,500.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation,

1944-1945	$17,500.00
1945-1946	$17,500.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1944-1945	$16,000.00
1945-1946	$16,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1944-1945	$30,000.00
1945-1946	$30,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1944-1945	$42,000.00
1945-1946	$42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation,

1944-1945	$750.00
1945-1946	$750.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1944-1945	$10,000.00
1945-1946	$10,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation,

1944-1945	$2,000.00
1945-1946	$2,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$40,500.00
1945-1946	$40,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets," "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitation Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1944-1945	$20,000.00
1945-1946	$20,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the diseases and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *Boys' and Girls' Club Work.* For paying premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club and for the promotion and encouragement of

4-H Club Work, for Kentucky products paid to Kentuckians,
1944-1945 ..... $5,000.00

1945-1946 ..... $5,000.00

(e) *State Fair Board.*

(1) For per Diem and Expenses of Board Members,
1944-1945 ..... $750.00

1945-1946 ..... $750.00

(2) Premiums for State Fair,
1945-1946 (Only) $45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing
November 1, 1944 ..... $14,000.00

November 1, 1945 ..... $14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,
1944-1945 ..... $6,000.00

1945-1946 ..... $6,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operation including laboratory services,
1944-1945 ..... $155,000.00

1945-1946 ..... $155,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,500.00

1945-1946 ..... $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse services,

1944-1945 ..... $350,000.00

1945-1946 ..... $350,000.00

(d) *Hazelwood Sanatorium.*

1. For ordinary recurring expenses of operation,

1944-1945 ..... $88,000.00

1945-1946 ..... $88,000.00

2. For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1944-1945 ..... $9,600.00

1945-1946 ..... $9,600.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $125,000.00

1945-1946 ..... $125,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$7,500.00
1945-1946	$7,500.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1944-1945	$5,000.00
1945-1946	$5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home and the administration of the Department of Welfare, including probation and parole,

1944-1945	$2,760,000.00
1945-1946	$2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.-080, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the

statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind,"

1944-1945	$4,250,000.00
1945-1946	$4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation,

1944-1945	$15,000.00
1945-1946	$15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare,

1944-1945	$4,000.00
1945-1946	$4,000.00

(e) *Conveyance of Lunatics.* For ordinary recurring expenses of

1944-1945	$8,000.00
1945-1946	$8,000.00

(f) *Pauper Idiots.* For ordinary recurring expenses of operation,

1944-1945	$75,000.00
1945-1946	$75,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation

1944-1945 ..... $57,500.00

1945-1946 ..... $57,500.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1944-1945 ..... $15,000.00

1945-1946 ..... $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $500.00

1945-1946 ..... $2,000.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State,

1944-1945 ..... $13,361,062.37

1945-1946 ..... $13,361,062.00

It is the intention of the Legislature that this amount shall include interest on State School bonds amounting to $138,937.63 for each year, as provided by the Constitution of Kentucky for the support of the common schools.

(f) *Equalization Fund.* For equalization of educational service in common schools,

1944-1945 ..... $1,500,000.00

1945-1946 ..... $1,500,000.00

(g) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.180,

1944-1945 ..... $500,000.00

1945-1946 ..... $500,000.00

(h) *Vocational Education.* For ordinary recurring expenses of operation,

1944-1945 ..... $40,000.00

1945-1946 ..... $40,000.00

(i) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise,

1944-1945 ..... $30,000.00

1945-1946 ..... $30,000.00

(j) *Kentucky State College for Negroes.* For ordinary recurrent expenses of operation,

1944-1945 ..... $150,000.00

1945-1946 ..... $150,000.00

(k) *West Kentucky Vocational Training School for* Negroes. For ordinary recurring expenses of operation,

1944-1945	$40,000.00
1945-1946	$40,000.00

(l) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students required to go out of the State to obtain higher educational training,

1944-1945	$7,000.00
1945-1946	$7,000.00

(m) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation,

1944-1945	$82,000.00
1945-1946	$82,000.00

(n) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1944-1945	$9,300.00
1945-1946	$9,300.00

(o) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1944-1945	$14,800.00
1945-1946	$14,800.00

(p) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation,

1944-1945 ..... $145,000.00

1945-1946 ..... $145,000.00

(q) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1944-1945 ..... $9,000.00

1945-1946 ..... $9,000.00

(r) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people,

1944-1945 ..... $30,000.00

1945-1946 ..... $30,000.00

(t) *Teachers Retirement Fund. For administering and complying* with the obligations of the State under the Teacher Retirement Act, KRS 161.220 to 161.710, an amount equal to the total money paid into the State Treasury during each of the fiscal years ending June 30, 1945, and June 30, 1946, by teachers participating under the provisions of said Act, not to exceed,

1944-1945 ..... $799,000.00

1945-1946 ..... $823,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1944-1945 ..... $1,026,300.00

1945-1946 ..... $1,026,300.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1944-1945	$26,400.00
1945-1946	$26,400.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1944-1945	$11,000.00
1945-1946	$11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1944-1945	$33,000.00
1945-1946	$33,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration,

1944-1945	$1,500.00
1945-1946	$1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment

1944-1945	$11,000.00
1945-1946	$11,000.00

2. Scientific Laboratory Equipment

1944-1945	$22,000.00
1945-1946	$22,000.00

3. Engineering Equipment

1944-1945	$22,000.00
1945-1946	$22,000.00

4. Home Economics Equipment

1944-1945	$11,000.00
1945-1946	$11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1944-1945	$55,000.00
1945-1946	$55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1944-1945	$7,500.00
1945-1946	$7,500.00

(i) *Research in Coal.*

1944-1945	$8,250.00
1945-1946	$8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1944-1945	$23,100.00
1945-1946	$23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1944-1945 ..... $2,000.00

1945-1946 ..... $2,000.00

(l) *Princeton Sub-Station.* For ordinary recurring expenses of operation,

1944-1945 ..... $17,600.00

1945-1946 ..... $17,600.00

(m) *Quicksand Sub-Station.* For ordinary recurring expenses of operation,

1944-1945 ..... $17,600.00

1945-1946 ..... $17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1944-1945 ..... $170,500.00

1945-1946 ..... $170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1944-1945 ..... $10,000.00

1945-1946 ..... $10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$260,000.00
1945-1946	$260,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$215,000.00
1945-1946	$215,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$235,000.00
1945-1946	$235,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation,

1944-1945	$345,000.00
1945-1946	$345,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1944-1945	$9,000.00
1945-1946	$9,000.00

(b) *Law Library-Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1944-1945 ..... $3,000.00

1945-1946 ..... $3,000.00

(c) *Library Sales Account-Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1944-1945 ..... $17,500.00

1945-1946 ..... $17,500.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1944-1945 ..... $500.00

1945-1946 ..... $500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1944-1945 ..... $11,000.00

1945-1946 ..... $11,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1944-1945 ..... $9,000.00

1945-1946 ..... $9,000.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1944-1945	$4,000.00
1945-1946	$4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1944-1945	$45,000.00
1945-1946	$45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1944-1945	$45,000.00
1945-1946	$45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1944-1945	$7,000.00
1945-1946	$7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1944-1945	$8,000.00
1945-1946	$8,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services,

1944-1945 ..... $25,000.00

1945-1946 ..... $25,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1944-1945 ..... $40,000.00

1945-1946 ..... $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1944-1945 ..... $14,000.00

1945-1946 ..... $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1944-1945 ..... $24,000.00 and $6,000.00

1945-1946 ..... $24,000.00 and $6,000.00

It is the intention of the Legislature that $6,000.00 of the above amount shall be used each year to pay the salary of the Assistant Attorney General assigned to the Railroad Commission, and the salary of his stenographer.

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation,*

1944-1945	$600.00
1945-1946	$600.00

(b) *Money refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1944-1945	$5,000.00
1945-1946	$5,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1944-1945	$1,500.00
1945-1946	$1,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1944-1945	$10,000.00
1945-1946	$10,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. bonds as provided by KRS 164.520,

1944-1945 ..... $9,900.00

1945-1946 ..... $9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1944-1945 ..... $250.00

1945-1946 ..... $250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1944-1945 ..... $1,500.00

1945-1946 ..... $1,500.00

(h) *Jefferson County Fees.* For paying various officials of Jefferson County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....

1945-1946 .....

(i) *Kenton County Fees.* For paying various officials of Kenton County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....

1945-1946 .....

(j) *Harlan County Fees.* For paying various officials of Harlan County 75 per cent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1944-1945 .....

1945-1946 .....

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1945, and for the fiscal year ending June 30, 1946, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following

professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Account for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1945, nor during the fiscal year ending June 30, 1946, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 271.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

(b) *Expenses of Federal Elections.* All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal

Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

Fair Trade Act—Distilled Spirits. All revenue received under KRS 243.710.

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.
Division of Game and Fish.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

1. Dog Law Enforcement.
2. Inspection—Stockyard Weighmen.
3. Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

1. Continuing Fund—Operation.
2. Construction Fund.

DEPARTMENT OF HEALTH

1. Department of Health—General and Federal.
2. Hazelwood Sanatorium.
3. Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

1. Division of Hospitals and Mental Hygiene.
2. Division of Corrections.
3. Division of Child Welfare.
4. Division of Public Assistance.
5. Metal Stamping Plant.
6. Welfare Construction Fund.
7. Children's Home Society—White.

DEPARTMENT OF EDUCATION

1. Any Private or Federal Funds that may become available for use in connection with the Department.
2. Kentucky State College for Negroes.
3. West Kentucky Vocational Training School.
4. Mayo Vocational Training School.
5. State Board of Education—Investment Fund.
6. Kentucky School for the Deaf.
7. Workshop for the Adult Blind.
8. Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

1. Eastern Kentucky State Teachers College.
2. Morehead State Teachers College.
3. Murray State Teachers College.
4. Western Kentucky State Teachers College.

DEPARTMENT OF LIBRARY AND ARCHIVES

1. Kentucky Historical Society.
2. Stephenson Fund.
3. Library Extension Division.
4. State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

1. *Division of Professional Regulations.* The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in KRS 286.080.

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

2. *Division of Insurance, Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1944 and 1945, under KRS 136.360, and also an amount equal to twenty-five percent

(25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1945, and June 30, 1946, respectively.

3. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

4. *Banking and Small Loan.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

1. Division of Geology.
2. Division of Coal Mining.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1945, and June 30, 1946.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.
2. Division of Unemployment Compensation.
3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special expense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1944, and ending March 31, 1945, and for the fiscal year beginning April 1, 1945, and ending March 31, 1946, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1945, and March 31, 1946, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years

ending March 31, 1945, and March 31, 1946, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, to be used by the Division of Rural Highways, for the improvement, reconstruction and maintenance of County roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with KRS 179.410 to 179.430, the sum of $2,000,000.00. (Of this amount, not more than 10 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department. When the funds hereby appropriated have been allocated to the respective counties as provided by KRS 179.410, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for each of the fiscal years ending March 31, 1945, and March 31, 1946, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the fiscal years ending June 30, 1945, and June 30, 1946, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor

Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, the sum of $120,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1945, and June 30, 1946, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

PART FOUR

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury, promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until alloted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4 *"Executive Department"* Item (d) 1, Part One of this Act.

Whereas, a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General

Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenues anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

None of the money appropriated specifically herein under the term "capital outlay" shall be allotted or expended without the approval of the Governor, and the Governor shall not approve the allotment or the expenditure of any funds for capital outlay unless the total amount of revenue accruing to the General Expenditure Fund through existing laws is sufficient to justify said expenditures and unless the Governor of the Commonwealth believes the expenditure of said fund is feasible, taking into consideration the cost of labor and the cost and supply of materials incident thereto.

3.

To carry out the purpose of this Act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1944, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

5.

Section 47.030 to 47.100, inclusive, of the Kentucky Revised Statutes of 1942, are repealed, and all continuing appropriations in existence at the time of this Act are hereby discontinued and repealed.

By Mr. Knuckles.

H. B. 36. An Act relating to retirement pay for aged school teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who has been a teacher in the public schools of Kentucky for twenty years or more, and who has reached the age of sixty years, shall be paid out of the State Treasury the sum of thirty dollars ($30.00) per month for the remainder of his life.

(2) The provisions of this section are supplemental to, and shall not affect the operation of, teachers' retirement allowances provided for in Chapter 161 of the Kentucky Revised Statutes of 1942.

(3) The provisions of this section shall be administered by the State Department of Education, under regulations provided by that department.

§ 2. There is hereby appropriated out of the General Fund for the fiscal years 1944-1945, and 1945-1946, a sum sufficient to make the payments provided for in this Act, not to exceed three hundred and sixty thousand dollars ($360,000.00) in each fiscal year.

By Mr. Huff.

H. B. 37. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive five dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and judge of the opposite political party from the sheriff shall receive in addition eight

cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

§ 2. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open continuously until 6 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

§ 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 6 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused", and place them, with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

§ 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet, for the purpose of counting the ballots, issuing certificates and making a report, at 7 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except on Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

By Mr. Gabbard.

H. B. 38. An Act amending Sec. 256.010 of the Kentucky Revised Statutes of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 256.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) "Lawful Fence" means: (a) A strong and sound fence, four feet high, so close that cattle cannot creep through, made of rails, or plank, or wire and plank, or iron, or hedge, or stone or brick; or

(b) A ditch three feet deep and three feet broad, with a hedge two feet high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-half feet high on the margin of the ditch, if the fence is so close that cattle cannot creep through; or

(c) A well-constructed gate four feet high so close that cattle cannot creep through, made of wood slats and wood framing or made of metal slats and framing either or both, forming a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent owner; or

(d) A cattle guard not less than nine (9) feet wide and seven (7) feet across with a pit three (3) feet six inches deep with iron pipes, iron rails or wooden rails not less than two to six inches in size, 5-1/8 inches apart, constructed in such manner that live stock will not pass over same, constituting a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent landowner.

(2) As used in this chapter, unless the context requires otherwise, "railroad" means the person who owns a right of way and owns or controls a railroad in this state that has been in operation for five years.

By Mr. J. Lee Moore.

H. B. 39. An Act relating to representation of, and advise to, the State and its officers and agencies, in litigation and in legal matters, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 15.020 of the Kentucky Revised Statutes is amended to read as follows:

The Attorney General is the chief law officer of the Commonwealth and all its departments, and the legal adviser of all state officers and agencies, and shall exercise all common law duties and authority pertaining to the office of Attorney General under the common law except when modified by statutory enactment. He shall attend to all litigation and business in or out of the state required of him by law, and any litigation or business that any state officer or agency may have in connection with or growing out of his or its official duty, and when special counsel is employed by the officer or agency for a special purpose under specific statutory authority, his work shall be performed under the supervision of the Attorney General unless he represents an adverse interest.

§ 2. A new section of the Kentucky Revised Statutes is created, to be numbered 15.050, and to read as follows:

(1) No state officer or agency shall employ or be represented by any attorney other than the Attorney General, unless an emergency arises which, in the opinion of the Attorney General, requires the employment of other or additional counsel to protect the interest of the Commonwealth, in which event the Attorney General shall, in writing setting forth the reasons for the employment, request the Governor to employ other or additional counsel.

(2) Before other or additional counsel is employed, his fee and compensation shall be fixed by written contract by the Attorney General and the counsel, subject to the approval of the Governor, and the written request and a copy of the

contract shall be filed in the office of the Secretary of State. Copies of the written request and of the contract shall be kept on file in the office of the Attorney General.

(3) Where other counsel is employed in any matter in which the Attorney General represents an adverse interest the contract employing other counsel shall be made by the officer or agency involved and the counsel employed subject to the approval of the Governor. A copy of such contract shall be filed in the office of the Secretary of State.

(4) The fees, compensation and expenses contracted to be paid to said other or additional counsel shall be paid out of funds designated by the Governor.

(5) Nothing in this section is intended to prevent the employment of office attorneys by such departments or agencies of the state government as are given express authority by statute to employ an attorney, but no attorney so employed shall have authority to represent the department or agency in litigation in any court or before any administrative body except with the approval and subject to the supervision of the Attorney General.

§ 3. Section 12.150 to 12.180 of the Kentucky Revised Statutes are repealed.

By Mr. Swope.

H. B. 40. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 205.065, and subsection (1) of KRS 205.990, of the Kentucky Revised Statutes, are repealed.

By Mr. Swope.

H. B. 41. An Act relating to registration districts, and local registrars, for vital statistics.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 213.020 of the Kentucky Revised Statutes is amended to read as follows:

The state shall be divided into registration districts. In a county containing a city of the first or second class shall constitute a registration district, and the portion of the county outside of such city shall constitute a district. Counties other than those containing a city of the first or second class shall each constitute a registration district.

§ 2. Section 213.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) In registration districts composed of cities of the first or second class a local registrar of vital statistics shall be appointed by the city board or department of health or corresponding body, from a list of three names furnished by the Division of Vital Statistics.

(2) In all registration districts other than those mentioned in subsection (1) of this section, the county clerk shall constitute the local registrar of vital statistics.

(3) Local registrars in districts composed of cities of the first or second class shall hold office for a term of four years, and their successors shall be appointed at least ten days before the expiration of their term of office. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointment.

(4) Each local registrar shall appoint one or more deputies, who shall act in his stead in case of absence, illness or disability. The deputies shall accept the appointment in writing, and the acceptance shall be filed in the office of the Division of Vital Statistics. They shall be subject to all rules governing the actions of local registrars, and shall report promptly to the local registrar all certificates of births and deaths occurring in their registration district.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House now adjourn to meet again on tomorrow at eleven o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 11, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Charles W. Grant of the Methodist Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	C. D. Call	Fred Creasey
F. H. Bassett, Jr.	Fred Carpenter	Thos. S. Dawson
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	Jno. H. Clarke, Jr.	J. R. Dorman
Douglas T. Bolling	A. Roy Copeland	T. H. Dyer
J. C. Bradley	Marvin Cornett	Bernie S. Edlin
Jno. W. Burkhart	John Henry Cox	Harry W. Ennis
Chas. W. Burnley	John P. Craig	Dr. J. C. Gabbard

Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

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Mr. Swope moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Doran moved that the privilege of the floor be extended to Mr. W. B. Deweese of Mayfield, Kentucky.

Said motion was agreed to.

Mr. Roy L. Taylor moved that the privilege of the floor be extended to Mrs. Lutes, Teacher, and the Senior Class from the Falmouth High School.

Said motion was agreed to.

Mr. Trumbo moved that the privilege of the floor be extended to Mr. Brooks of Mason County.

Said motion was agreed to.

Mr. McKinney moved that the privilege of the floor be extended to Judge Otis White and Judge B. H. Embry of Morgantown, Kentucky.

Said motion was agreed to.

Mr. Hammons sent to the Clerk's desk the following communication from Ray O. Sheehan, former member of this House, who is now in the Armed Forces on foreign duty, viz.:

Somewhere in Sicily.
December 27, 1943.

Mr. Speaker: The Chair recognizes the Gentleman from Sicily.

Mr. Speaker, I move you Sir, that each day after the formal opening of the House, and before proceeding with the business before the House, that the Speaker be required to announce the name, or name, of Hitler's City, or cities, erased by American Flying Fortresses during the preceding night.

Mr. Speaker: The Chair recognizes the Gentleman from the 22nd District. Mr. Speaker, I rise for the purpose of seconding the motion of the Gentleman from Sicily.

Mr. Speaker: For what no good purpose does the Gentleman from the 96th District arise?

(Biggers) A point of information, Sir.

(Speaker) State your point!

(Biggers) Is Sicily in Eastern or Western Kentucky? And who carried it in the last election, Republicans or Democrats?

(Speaker) The Speaker wishes to inform the Gentleman from the 96th District that a Bi-partisan group, composed of Democrats, Republicans and Prohibitians carried every precinct of Sicily last August over the Fascist party.

(Biggers) Thank you, Mr. Speaker, I was so busy in the Primary up in Floyd County that I never heard about it. Mr. Speaker, I now move the previous question.

(Speaker) The ayes have it, and without objection the clincher will be applied. The Speaker now announces that the "L" has been bombed out of Berlin, and all the "Hit" out of Hitler. The House then adjourned.

How is everything in the Kentucky Legislature, Claude? I would like to be accorded the Privilege of the Floor, and talk to a few of the boys, and no objections to say a few words to those pretty Gals sitting up there on the right of the Speaker.

All I know is just what I read in the Harlan Daily Enterprise, and I see that men have so shrunken up that it takes two and a half Representatives to represent what I once represented all alone. My good friends, Burkhart, Huff and Marcum. Now I don't mean Marcum is a half man, nobody ever come half from Clay County, but half of his District is with all that Huff and Burkhart has made up my old Dis-

trict. I heard that Logan County's Milam went high hat on your House boys and is over with Moss, See, Dawson and Company. How is our friend, the Lt. Governor? Does he shake a wicked gavel? I knew when I came over here in this European mess that Knox County would go wild.

What would I see if I had the privilege of the floor and walked down the center aisle? About the first would be Waterfield, or is he in the Speaker's Chair—tall and handsome, from the Kentucky lowlands. By golly, there's John Henry Cox—the farmer's friend—too much belly for plowing, but jovial John Henry is tops. There's my old veteran friend over there by the door, same old seat, Doug Bolling, Owensboro's own. He's O.K. Right next to Doug, is a real Kentuckian—knows his liquor and chaws his "backer" just like it comes out of Kentucky fields—give me a chaw, Wade Riley, and lets have a chat. No one could miss the next one, a giant from Muhlenberg County, sincere and earnest, you can hunt Kentucky over but you'll never find one better than W. T. Hunt. Kentucky has a lot of good people, the more you see of them the more you like them, and the big friendly open face of J. Lee Moore, a voice in the rear asks, is it a good bill, J. Lee? Then let it be passed. I heard a member of that august body in 1940 say, he could see no benefits in coming to the Legislature if a fellow brought his wife along. "I left Mrs. Ennis at home, she is well, thank you." And I would get a kick out of seeing Harry as I passed down the aisle. It makes no difference how time and distance may separate, there are pleasant memories of people one can't forget, you just can't shake 'em, and that's why I would say "Hello" to my friend from the big City, Leon J. Shaijun. Back in 1936 his people sent him there and like Gibralter, there he stands and it would be good to greet Charles W. Anderson. Even Jessamine County, with a good Institution Like Asbury College which I once attended while not exactly a sell-out, but it has its price, and because his friendship is priceless I'd chat with Kleber N. Price for a while. When

I'm Governor of Kentucky, I'm gonna have a Democrat on my Staff, and because he fits the bill of a Kentucky Colonel, I'm gonna pick Shelby's Harry F. Walters for the job. All our folks came over from Virginia to make Kentucky in a wagon, and they had good wagners in them thar days, and thars plenty of them left, and it sure would be a treat to treat with S. J. Wagner. When a lot of things were missing in Ireland a century ago, and the Sheriff got busy, a lot of Shehan and Schebens were missing shortly thereafter, and just because Irish are the chosen people I'd talk over old times with Carl Scheben. Then if I was sure it were he, and not his twin brother, I would talk some confidential matters over with Tom Swope. Casey Jones said, "Give me Liberty or give me death" and they gave Casey county her Liberty, and then the folks up there sent Otis Thomas down to Frankfort to protect Casey's Liberty, and I would say "Hello" to Liberty's defender. Knox County—the gateway to Harlan —as usual is without representation and when I came to the vacant seat I would stop, toss a flower into the vacuum and recall how empty that seat always was while I occupied No. 50 left. As I came down the aisle I saw some familiar faces, but they were not there when I was, but it was good to see you. There was H. Clay Kauffman, he held so many terms of Court in the Mountains that the people of Garrard thought he was a Republican and there he was, Hello Judge. Believe it or not, once I was young, and went to school in Jessamine County, more than fifty years ago, and there was a man from High Bridge named Dorman, and I saw him as I came down the aisle, James R. Dorman. I saw a fellow sitting there, and it made me plum homesick, for he was mighty close to the best spot on earth when last I saw him, so Hello thar, Neighbor G. M. Knuckles. But it shore did my heart good, and I saw a silvery moon over Pine Mountain and the Cumberland River looked good, when I stood face to face with home folks, excuse me if I hung around John Burkhart and J. J. Huff a little long, they are Harlan County.

Every County in the State sent their biggest man to the House, but Floyd's man was Biggers, Bill, you rascal, I'm shore glad to see you.

To those of you whom I don't know, I have some advice. All this bunch I have named, or most of them are Old Timers, they know the Legislative Ropes, and many a man has been hung on those ropes too—but what I want to tell you is this: if you want to go back home and look the folks straight in the face two years from now when you run again, you be certain and listen to what these Old Timers have to say, listen to their advice so that you will be certain you know what they are saying, and then be certain and vote just the other way.

Some of you are not coming back, and that is the reason I have waited until now to mention an old friend I saw as I came down the aisle, I don't want you to forget him, because two years from now you will be in your political grave (voice of experience) and in order that your mistakes might always be a warning to the younger generation, be certain and put a Tombstone at both ends, and my friends Clyde S. Howard will be glad to quote you some good prices on these, he's in the grave yard business, and that's where you headed, politically. The peace and quiet of a European War is refreshing compared to a term in the Kentucky Legislature—I have had two terms in the Legislature, and this is my second term in a World War, and I'm not a candidate for any Third Terms either.

Best wishes, boys, and watch those Senators, and don't start out now to try and be one—it's more fun where you are.

Claude, I'm homesick. Get this War over quick, pass some kind of a law, never mind giving it the third reading, nobody ever listens anyway, just get it passed, and get me home—I want to come back to Kentucky where I can spend the remainder of my days fighting in peace.

But we got them in the bag, if you fellows don't hurry we will finish our business and adjourn Sine Die before you do. In fact the Rules Committee has already taken over, Over Here, and from here on out, watch the Steam Roller moving into Germany.

The previous question has carried, the voting is over, and we are now applying the usual clincher.

Good sailing and good laws,
Cpl. Ray O. Shehan, 35460331
Hq. Co., 10th Port of Embarkation
A.P.O. 391
% Postmaster, New York, N. Y.

P.S. Whose got seat No. 50 left? It's mine, get 'em out.

Mr. Hammons moved that said letter be spread upon the Journal.

Said motion was agreed to.

Mr. Preston of the Committee heretofore appointed by the Speaker to locate and have made available, suitable rooms for the meetings of Standing Committees of the House, made the following report, viz.:

The Committee on arrangements for Committee rooms, wishes to make the following report:

We have secured six places to be used as temporary Committee rooms and have numbered them as follows:

House Committee Room No. 1 rear of third floor, Library.

House Committee Room No. 2 front of third floor, Library.

House Committee Room No. 3 Mrs. Posey's office, third floor.

House Committee Room No. 4 Mr. Koun's office, first floor.

House Committee Room No. 5 room 18, Department of Education.

House Committee Room No. 6 Supply room Adjutant General's office, first floor.

The last two mentioned rooms will accomodate the large committees.

Mr. Simpson of the Committee heretofore appointed by the Speaker to draft Rules under which this House will operate during the Regular Session of 1944, sent the following Rules to the Clerk's desk, viz.:

RULES AND COMMITTEES OF THE HOUSE OF REPRESENTATIVES OF KENTUCKY

SESSION 1944

RULES OF THE HOUSE 1944

QUORUM OF HOUSE

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business, and the numbers mentioned in this rule shall have power in the absence of the Speaker to elect a Speaker pro tem. for the purpose above designated.

HOURS OF MEETING AND ADJOURNMENT

Rule 2. The standing hour of meeting each day shall be 1 o'clock P. M. (Central War Time), except on Monday when the hour of meeting shall be 7:30 o'clock P. M.

ORDER OF BUSINESS

Rule 3. The order of business of each day shall be as follows:

(a) Invocation.
(b) Roll call.
(c) Reading of the Journal of preceding day.
(d) Petitions.
(e) Motions and resolutions, limited to one-half hour.
(f) Introduction of bills.
(g) Reports of special and standing committees.
(h) The Orders of the Day, which shall be called at not later than 3 o'clock P. M. each day except on Monday when the Orders of Day shall be called at not later than 9 o'clock P. M.

Any business which remains unfinished upon the adjournment of the House shall be the first business when that section is reached on the following day.

BILLS AND RESOLUTIONS

Rule 4. Members may file copies of bills or resolutions to be introduced at the Clerk's office, at any time. Copies filed shall be in triplicate, each copy signed by the member introducing same. One copy shall be for the permanent files of the Clerk, one copy for the printer and one for the use of the members of the press. Three hundred (300) copies of each bill shall be printed, but the Clerk may increase the number if in his discretion they are needed.

When introduction of bills is reached in the order of business, the Clerk shall report to the House the number, title and sponsor of each bill filed with him since his last report on introduction of bills.

The Clerk of the House shall upon receipt of any printed bill from the public printer, proof read the same against the original copy; and, upon finding any error, shall return the printed bills to the public printer with his signed statement, "Acceptance refused by reason of typographical error."

MOTIONS

Rule 5. *Order of Motions.* When a question is under debate, no motion shall be received but

(a) To fix the time to which the House shall adjourn.
(b) Adjourn.
(c) To lay on the table.
(d) For the previous question.
(e) To limit debate.
(f) To postpone to a day certain.
(g) To commit.
(h) To amend.
(i) To lay on the Clerk's desk.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, or to commit being decided shall again be allowed on the same day and at the same stage of the bill or proposition.

Rule 6. *Motions.* (a) Motions in general which are not relevant to pending questions, bills or resolutions shall be made when the fifth order of business [Rule 3(e)] is reached each day.

(b) Motions relating to pending questions, bills and resolutions shall be made when such question, bill or resolution is brought up for consideration according to the rules of the House.

(c) After a motion is made and seconded, it shall be stated by the Speaker or being in writing, shall be handed to the Chair and read aloud by the Clerk before debate. Every motion shall be reduced to writing if the Speaker or any member so request.

(d) After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House at any time before decision or amendment.

(e) The Speaker may state questions sitting, but shall rise to put a question.

Questions shall be distinctly put in this form, viz.:

"Gentlemen, you who are of the opinion that (as the question may be) say 'Aye' you of the contrary say 'Nay.' "

Rule 7. *Motion to Lay on the Table.*

The motion to lay on the table when adopted shall prevent any further consideration of the subject matter carried by said bill, motion or resolution unless by the unanimous consent of the House.

Rule 8. *Motion to Lay on Clerk's Desk.*

The motion to lay on the Clerk's desk in this House shall have the effect of laying aside the pending question temporarily and when the pending question is laid upon the Clerk's desk it may be taken therefrom at the will of the House, and considered as an original proposition.

Rule 9. *Motion to Adjourn.*

A motion to adjourn shall always be in order except

during roll call or pending a motion to fix the time to which the House shall adjourn and shall be decided without debate.

Rule 10. *Undebatable Motions.*

The following motions shall be propounded without debate, except as hereinafter in this rule provided:

(a) Motions to proceed or dispense with the Orders of the Day.

(b) Motion to suspend or dispense with any rule of the House.

(c) Motions to take up business out of its regular order.

(d) Motions to commit or recommit without instruction.

Provided, however, as follows:

First. Upon motion to lay on the table, the author of any measure shall have five minutes in which to explain the measure; and

Second. Provided further that no explanation of any vote shall be permitted during the call of the "ayes" and "nays" upon any undebatable motion.

Rule 11. *Motion to Reconsider.*

(a) A motion to reconsider any action of the House shall be in order if made in open session on or before the third legislative day on which the House is in session; but such motion shall not be in order after action has been had by the House in consequence of the decision proposed to be reconsidered, or after it has been sent to the Senate or Governor, provided, however, the motion is made by a member who voted on the prevailing side.

(b) *Clincher.*—If any bill, motion or resolution has been, by vote, carried or lost, and a motion is made to recon-

sider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to the subject matter carried by said bill, motion or resolution, unless by unanimous consent of the House.

Rule 12. *The Previous Question.*

The previous question being moved and seconded, the question from the chair shall be—"Shall the main question be now put?" A majority of the members elected to the House may order the previous question at any time. The effect of the previous question shall be to bring the House to a direct vote, first on all amendments pending at the time, and then upon the main question.

The ordering of the previous question shall put an end to all debate except as follows: Before the vote on an amendment, the proposer of the amendment shall have five minutes, and then the proposer of the measure sought to be amended shall have five minutes; and before the vote upon the main question, the opponents of the measure shall have ten minutes and then the proposer of the measure shall have ten minutes to close the debate. When a measure or an amendment has been proposed by a committee, then the time given to the proposer shall be at the disposal of the chairman of the committee.

Rule 13. *Motion to Limit Debate.*

A motion to limit debate being moved and seconded, the question from the Chair shall be—"Shall debate be limited?" A majority of the members present may limit debate to the time specified in the motion at any time. The speaker shall proportion the time each member may speak under the motion to limit debate.

AMENDMENTS

Rule 14. (a) More than one amendment to any part or section of any proposition or bill shall not be offered at the same time or entertained by the Speaker.

(b) Each amendment originally pending shall be disposed of before another may be entertained to the same or any other part or section of the main proposition or bill.

(c) All committee amendments shall be disposed of before any other amendment may be offered by a member or entertained by the Speaker. Provided, however, that whenever and wherever blanks are to be filled, the rule above shall yield to general parliamentary law, and provided further, that when a motion or proposition is under consideration, a motion to amend that amendment shall be in order, and it shall be in order to offer a further amendment by way of substitute, but said substitute shall not be voted on until the original matter is perfected.

(d) All committee substitutes shall be printed in like manner as bills and all other substitutes shall be disposed of at the will of the House.

(e) The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.

(f) No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Rule 15. COMMITTEE OF THE WHOLE HOUSE. The House may resolve itself into the Committee of the Whole

House on the State of the Commonwealth, and in such Committee of the Whole House, Robert's Rules of Order (Latest Revised Edition) shall govern the proceedings.

Rule 16. *Duties of Committees.*

(a) When a bill shall have been referred to any committee, it shall be the duty of the chairman of such committee to submit the bill to the consideration of his committee. A majority of the members of the committee shall be present before a bill may be considered. No bill shall be considered or a report of same determined upon, except when a committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such a report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing, and signed by the members of the committee making such report.

(b) *Notice of Committee Meetings.*

No committee shall make a report upon a bill unless notice of time and place of the committee meeting is listed in the committee book on the desk of the Sergeant-at-Arms at least one (1) day previous to the committee meeting. This rule shall not be applied during the last fifteen (15) legislative days of the session, as defined in Rule 22.

(c) Before a bill is given its third reading in the House the Clerk shall submit the bill to the Statutes Revision Commission and secure the Commission's stamp of approval as to form and mechanics.

Rule 17. Whenever any member of the House believes that any committee has held a bill or resolution for an unreasonable time, the same may be called up by any member and be considered in the same manner it would have been considered if it had been reported without expression of

opinion by the committee. The Speaker shall permit bills to be called up only during the regular motion hour.

GENERAL PROCEDURE

Rule 18. (a) FIRST READING. Upon the favorable report of a bill or resolution by any committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal.

(b) *Bills Reported Without Expression.* Upon report of a bill or resolution by a committee without expression of opinion, the bill or resolution may be read into the calendar on majority vote of the members present. If said bill fails to be read into the calendar it may remain on the clerk's desk or be referred to a committee by the Speaker.

Unfavorable Expression. Whenever any committee shall report to the House a bill with the expression that it should not pass, said bill shall not be entitled to a reading unless it is ordered by a majority vote of the members present.

On the question of reading a bill into the calendar that has been reported without expression of opinion, or with an unfavorable expression of opinion, no debate shall be allowed except that the originator of a bill, or any one indicated by him, shall have ten (10) minutes in which to explain the bill; and the opposition shall have a like time in which to explain the opponents objections to the bill. If said bill shall be ordered to a reading it shall be read the first time in full and recommitted or placed in the calendar.

Majority Required. In all cases where a constitutional majority is required for the passage of a bill, it shall mean in this House that a constitutional majority be required to consider the bill whether called up, reported with a favorable, unfavorable, or without expression of opinion.

Rule 19. *Enrollment Committee.*

The committee on Enrollment and the clerk of the Senate may report any time, except during Roll Call.

Rule 20. CALENDAR. When a bill has had its first reading, it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills in the Orders of the Day. Each day when the House enters into the consideration of the Orders of the Day, the Clerk shall take up the Calendar and give all bills therein their second reading except such as have been placed thereupon that day.

Rule 21. *Orders of the Day.* When a bill has been read, a second time, it shall be placed in the Orders of the Day or recommitted and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before final passage. No bill shall be placed upon its final passage during the last day of the session except bills in possession of Conference Committees, Senate bills or House bills which have been amended by the Senate.

Rule 22. RULES COMMITTEE. No bill shall be considered by the House during the last fifteen legislative days of the 1944 Regular Session except upon the recommendation or report of the Rules Committee.

During the times next hereinabove provided, the Rules Committee shall be authorized to call from the other committees any bill or resolution in their hands and may have them advanced to the reading to which the bills may be entitled; provided, however, that for the first ten days thereof, the said committee shall cause to be posted on the day prior thereto, a list of bills and resolutions which are to be called, but said committee may withdraw from said list any bills or resolutions so posted.

If and when the time be fixed for the sine die adjournment of the 1944 regular session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

Rules 23. STANDING COMMITTEE. The following shall be and constitute the standing committees of the House of Representatives, and each committee shall be composed of not less than five members, except the Committee on Rules, which shall consist of not less than eighteen members. The Speaker shall be Chairman of the Rules Committee and the Committee on Legislative Research and Investigation.

Agriculture No. 1.
Agriculture No. 2.
Alcholic Liquor Control No. 1.
Alcoholic Liquor Control No. 2.
Appropriations.
Banks and Banking.
Charities and Penal Institutions.
Cities of the First Class.
Cities of the Second Class.
Cities of the Third Class.
Cities of the Fourth Class.
Cities of the Fifth Class.
Cities of the Sixth Class.
Claims.
Codes of Practice.
Compensation for Industrial Injuries.
Constitutional Amendments.
Courts.

Criminal Law.
Education No. 1.
Education No. 2.
Enrollment.
Fish and Game.
Immigration and Labor.
Insurance, Fire and Marine.
Insurance, Life and Casualty.
Judicial Council.
Juvenile Courts and Children's Homes.
Kentucky Statutes.
Legislative Research and Investigation.
Library and Historical Records.
Military Affairs.
Mines and Mining.
Motor Transportation.
National Parks.
Oil and Minerals.
Printing.
Public Bridges and Ferries.
Public Ditches.
Public Health.
Public Utilities.
Publicity and Tourist Attractions.
Railroads.
Redistricting.
Revenue and Taxation.
Roads and Highways No. 1.
Roads and Highways No. 2.
Rules.
Social Security.
State Fair.
State Parks.
State Properties.
State University.
Suffrage and Elections.

Teachers' Colleges.
Trade and Commerce.
Tuberculosis.
Veterans Legislation.
Ways and Means.

It shall not be competent for the House, by vote or otherwise, to add any one to the membership of either or any of said committees, but the Speaker shall have full power to fill vacancies and add members to either or any of said committees.

Rule 24. *Voting.*

(a) No member shall vote on any question in which he is directly or indirectly interested, or on any question unless he was in the bar of the House before the result was announced.

(b) Every member in the House, when a question is put, or who is present before the results are announced, shall vote unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be exused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called except upon his own request and then only at the end of the roll call and before the result is announced, but in all cases of a tie, the Speaker shall vote. The majority and the minority floor leaders shall not be required to vote on the question of reading a bill into the calendar that has been called up by any member.

(c) Before a vote shall be counted, the member casting it shall be either at his seat or visibly approaching it.

(d) All pairs announced in the House shall be entered on the Journal.

(e) Calls of Yeas and Nays. Upon a call of yeas and nays on any question, the names of the members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call, the Speaker shall, upon the request of any member, order the Clerk to call the absentees once.

(f) Call of the House. Upon a call of the House, the door shall not be shut against any member until his name is called twice and then absentees shall be noted by the Clerk and fined one dollar unless excused by the House.

GENERAL PROVISIONS

Rule 25. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker as the member from .....

Rule 26. No member shall speak more than twice on the same question without leave of the House, and he shall not speak more than once until every member of the House desiring to speak has spoken. No member shall be allowed to speak more than one-half hour in the aggregate.

Rule 27. While the Speaker is putting any question, or addressing the House, no one shall walk about the House, or leave; neither in such case nor when a member is speaking, shall any one talk or pass between the chair and the member who is speaking. No member shall in debate name another member.

Rule 28. Any proposed alteration, change or amendment of the Rules shall before a vote thereon is taken, be referred by the Speaker to a committee and the proposal shall be considered by the committee and reported in the same man-

ner as bills and resolutions and before any alteration, change or amendment shall be adopted, a majority of the duly elected members of the House must vote in favor thereof.

In all cases where general parliamentary law provides for the rule of two-thirds, it shall mean in this House, a majority of the duly elected members of this House.

Rule 29. *Persons Entitled to the Floor.* No person shall be permitted upon the floor of the House except the Governor, his immediate family, his secretary; members and officers of the State Senate; members of the immediate families of Legislators. Bona fide newspaper correspondents, designated as such in writing by the daily newspaper or press service they represent; those newspaper correspondents who are working members of the Capitol Press Club and approved by the Speaker shall be admitted to the privileges of the floor. Such newspaper correspondents when admitted to the privileges of the floor shall be governed by the rules of this House. Newspaper correspondents and members of the legislator's families shall be assigned by the Speaker to a section especially set aside for them.

By the direction of the Speaker, the Sergeant-at-Arms shall reserve two (2) sections in the galleries to be used by such persons as members of the House may request. Admission to the researved seats shall be provided by passes issued by the members of the House.

No person other than those entitled to be upon the floor of the House shall be permitted on the floor of the House from thirty (30) minutes prior to the time set for convening until after the House shall have adjourned.

Rule 30. *Lobbying.* No person shall engage in lobbying for or against any measure while the House is in session, during recess or thirty (30) minutes prior to the schedule of convening on the floor in any of the corridors or passages, or in

any of the rooms in that part of the Capitol assigned to the use of the House, provided, however, this rule shall not be construed to prohibit the use of corridors or passages in going to and from the House galleries by any person.

Rules 31. *Suspension of Rules.* The standing rules of the House and regular order of business shall not be suspended, amended or interupted unless by a vote of a majority of the duly elected members of the House. Whenever the rules are suspended as above, no subject matter shall be considered under the suspension except the subject matter in whose favor the suspension was invoked and only for that day.

Rule 32. On all questions not provided for in the foregoing rules, the House shall be governed by the provisions of Robert's Rules of Order (latest revised edition).

Rule 33. The Speaker may, in his discretion, refer any resolution to a committee for consideration and a report.

THE POWERS AND DUTIES OF THE SPEAKER

Rule 34. (a) The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present, shall proceed with the order of business.

(b) He shall preserve decorum and order, and in case of disturbance or disorderly conduct in the gallery or lobbies, may cause the same to be cleared. In case of extreme disorder or confusion in the House, in the gallery, or in the lobbies such as renders it difficult or impossible to transact business in an orderly manner, the Speaker may declare a recess or an adjournment of the sitting.

(c) He shall have general control, except as provided by rule of law, of the hall of the House and of the corridors and

passages, and of all rooms in that part of the Capitol assigned to the use of the House.

(d) He may speak to points of order in preference to other members, rising from the chair for that purpose.

(e) He shall decide questions of order subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

(f) The Speaker shall have supervision over all officers and employees of the House, and shall direct them as to their duties, and upon failure of any such official to perform such duties, the Speaker shall have power to order deductions from the pay of such offender, not to exceed the per diem of such official or employee for each offense. Such amount shall be entered upon the Journal and deducted from the compensation due such offender.

(g) The standing committees of the House, herein named, and all other committees, shall be appointed by the Speaker.

(h) If the Speaker be in doubt as to the result of a vote, and a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterwards, those in the negative. If the Speaker be still in doubt, and a count be requested, the Speaker shall name two members, one from each side, who with the Clerk shall count those in the affirmative and the negative; which being reported, he shall rise and state the decision of the House; provided, however, that such decision or count shall not be allowed after the House shall have proceeded to other business.

(i) The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem. shall not be empowered to act beyond a period of five days.

(j) If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and should the member fail to comply with the order of the Speaker, then the Speaker shall direct the Sergeant-at-Arms to require such member to take his seat or direct the Sergeant-at-Arms to remove such member from the House for the remainder of the day.

(k) When two or more members arise at once, the Speaker shall name the member who is the first to speak.

DUTIES OF THE CLERK

Rule 5. (a) The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

(b) It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by "yeas" and "nays"; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House and to report to the Speaker, to be submitted to the House, every failure of the printer to execute the same properly and promptly.

He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all resolutions by the House. In addition to his other duties, the Clerk shall keep the

accounts for pay and mileage of members, officers and attaches, for printing and other contingent expenses of the House, and prepare and sign warrants or requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, and engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House.

(c) The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred, to the Senate, or to the Governor, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files.

(d) Register of bills. The Clerk shall keep a register of all bills introduced in the House or transmitted for concurrence from the Senate in which shall be recorded, under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission, if House bills, to the Governor; or if Senate bills, their return to the Senate.

(e) Engrossing Bills. When engrossing a bill the Chief Clerk may incorporate amendments by means of handwriting or typing. When an amendment strikes out any part of the original, it shall be indicated in the engrossed copy by two parallel lines over the part to be striken out, in such a way as not to render illegible the original words. House amendments shall be indicated in red. The color shall be indicated by the writing itself in case of handwriting and by notations in the margin in case where typing is used. The signature of the Clerk in the margin shall accompany all amendments.

The Clerks shall not engross Senate bills but shall attach amendments adopted thereto and report the same with the bill to the Senate.

(f) Bills to be preserved. When the enrolled copy of a House bill or resolution, signed by the presiding officer of each House, is returned to the Chief Clerk, he shall immediately attest it and deliver it to the Governor or his Secretary. The Clerk shall file together the original copy in the form when introduced and a copy in the form as finally passed in the permanent files of his office.

(g) Printed Bills after the Session. When the Chief Clerk has finished his work at the Capitol after a session of the General Assembly, he shall transmit to the State Libririan the unused printed copies of bills in his possession. Before transmittal, he shall upon the face of printed bills which passed and were not amended, stamp the following words—"Became a law." Upon the face of printed copies which passed with amendment he shall stamp the words—"Became a law with amendments." Upon other copies he shall stamp the words—"Failed to pass." The State librarian is directed to distribute these bills upon request of any interested person.

DUTIES OF THE ENROLLING CLERK

Rule 36. The Enrolling Clerk of the House shall take charge of all House bills as soon as they are reported back to the House and ready to be enrolled. A register, by number and title, shall be kept in a suitable record book of all bills passed by both Houses, attesting fact and date of passage. A printed copy upon safety paper, in the exact form as finally passed, shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. In cases of extreme emergency, where no correct printed copy is available, the enrolled copy may be in longhand. When signed by

the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate to such committee as may be authorized to receive them in that body.

The Enrolling Clerk of the House is authorized to correct the enrolled copy on safety paper to make it conform with the original copy of the bill as amended by means of either typing or handwriting, provided the correction is made with red ink or red type and initialed by the Enrolling Clerk in handwriting in the margin near where said correction occurs.

DUTIES OF THE SERGEANT-AT-ARMS

Rule 37. At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor, and shall announce in a loud and distinct voice, "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber, who is not entitled to remain therein, to vacate.

He shall enforce the orders of the House and the Speaker in preserving order. If persons not entitled to be in the House, shall come upon the floor it shall be his duty to remove them; and the Sergeant-at-Arms is empowered to deputize as many assistant Sergeant-at-Arms as he may deem necessary to carry out the orders of the Speaker. All fines levied under the rules of the House shall be collected by the Sergeant-at-Arms and covered into the State Treasury.

DUTIES OF OTHER OFFICIALS

Rule 38. The duties of Doorkeepers, Cloakroom Keepers, Janitors and other officials or employees of the House shall be such as provided by law and as designated by the Speaker.

HOUSE COMMITTEES

Regular Session, 1944

House Officers

Speaker.....Harry Lee Waterfield
Chief Clerk.....Brooks L. Hargrove
Assistant Clerk.....Ernest M. Ford
Sergeant-at-Arms.....E. L. Hagan
Enrolling Clerk.....Priscilla Hart
Reading Clerk.....Byron Royster

Agriculture No. 1

Harry F. Walters, Chairman

H. G. Royalty, John H. Clarke, Jr., Morrison Kavanaugh, Carson R. Reeves, Leonard W. Preston, J. T. Linton, Coy C. Nevitt, Willis Champion.

Agriculture No. 2

A. L. Love, Chairman

Joe E. Nunn, Fred Carpenter, J. W. Simmons, Higgins C. Patterson, J. Gip Prather, Franklin Goins, James R. Spaulding, Kleber F. Price.

Alcoholic Liquor Control No. 1

E. F. Prichard, Chairman

J. T. Linton, Adron Doran, Higgins C. Patterson, Leon J. Shaikun, James E. Quill, Clyde S. Howard, Charles W. Burnley, John H. Cox.

Alcoholic Liquor Control No. 2

W. G. Biggers, Chairman

R. M. Hall, Harry W. Ennis, Benton Howard, C. C. May, C. Sid Nabb, Leonard W. Preston, Carl J. Scheben, Sylvester J. Wagner.

APPROPRIATIONS NO. 1

J. Lee Moore, Chairman

Claude L. Hammons, James E. Quill, Jerry Fonce Howell, Adron Doran, Roy L. Taylor, Faust Y. Simpson, Ed Marcum, Harry F. Walters.

BANKS AND BANKING

Sylvester J. Wagner, Chairman

James R. Dorman, Thomas S. Dawson, Faust Y. Simpson, Joe Stewart, A. Roy Copeland, George T. Smith, H. Clay Kauffman, John H. Clarke, Jr.

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Leonard W. Preston, Homer E. Losey, George T. Smith, Charles W. Burnley, C. C. May, Henry Thieman, Jr., Egbert V. Taylor, Joe Stewart.

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Leon J. Shaikun, Chairman

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Carl J. Scheben, Chairman

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CLAIMS

Jerry Fonce Howell, Chairman

A. Roy Copeland, Johnston Miller, Egbert V. Taylor, Kleber F. Price, Carl J. Scheben, Douglass T. Bolling, Henry Arrowood, Charles W. Anderson.

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John H. Clarke, Jr., Chairman

A. Roy Copeland, J. Lee Moore, Harry L. Moore, James E. Quill, C. W. Taylor, Ed Marcum, Henry Arrowood, Frank H. Bassett, Jr.

COMPENSATION FOR INDUSTRIAL INJURIES

C. D. Call, Chairman

Homer E. Losey, Fred W. Schuhmann, Ed Marcum, Douglass T. Bolling, Henry Thieman, Jr., Jerry Fonce Howell, W. H. Hunt, John C. Newcomb.

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A. L. Love, William E. Justice, Pearl McKinney, Adron Doran, Lee Johnson, John Burkhart, James P. Hallahan, H. Clay Kauffman.

COURTS

H. Clay Kauffman, Chairman

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EDUCATION No. 2

Amos Runyon, Chairman

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Harry W. Ennis, Chairman

Wade H. Riley, Carson R. Reeves, Kleber F. Price, James R. Spaulding, John L. Trumbo, R. M. Hall, A. L. Love, George Steinford.

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INSURANCE, LIFE AND CASUALTY

Roy L. Taylor, Chairman

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LIBRARY AND HISTORICAL RECORDS

J. W. Simmons, Chairman

J. J. Huff, W. H. Hunt, Paul S. Jonas, Charlie B. Gentry, William N. Hughes, Lee Johnson, John P. Craig, Taylor Witt.

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E. B. Thompson, Douglass T. Bolling, H. G. Royalty, Bernie S. Edlin, W. G. Biggers, C. Sid Nabb, B. C. Holbrook, Fred Carpenter.

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H. Clay Kauffman, J. W. Simmons, Higgins C. Patterson, James R. Dorman, Frank H. Bassett, Jr., Faust Y. Simpson, Thomas M. Swope, Herebrt V. Moore.

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Joe Stewart, Chairman

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Douglass T. Bolling, Chairman

Jerry Fonce Howell, Harry W. Ennis, Taylor Witt, Vernon Seaton, R. E. West, Otis C. Thomas, Wade H. Riley, L. D. Moore.

PRINTING

Egbert V. Taylor, Chairman

Paul S. Jonas, C. Sid Nabb, H. G. Royalty, Willis Champion, Morrison Kavanaugh, W. Chester Peterson, Otis C. Thomas, Coy C. Nevitt.

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Fred Creasey, Chairman

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PUBLIC DITCHES

Morrison Kavanaugh, Chairman

J. Gip Prather, Isaac Blevins, Charlie B. Gentry, B. C. Holbrook, William N. Hughes, W. H. Hunt, Taylor Witt, C. W. Taylor.

PUBLIC HEALTH

Carson R. Reeves, Chairman

Thomas M. Swope, Fred Carpenter, John Burkhart, George T. Smith, J. Chester Gabbard, E. F. Prichard, J. Gip Prather, James T. Philpott, W. B. Moser, J. J. Huff.

PUBLIC UTILITIES

John Henry Cox, Chairman

A. Roy Copeland, R. M. Hall, Faust Y. Simpson, Frank H. Bassett, Jr., A. L. Love, Herbert V. Moore, W. H. Hunt, H. Clay Kauffman.

PUBLICITY AND TOURISTS ATTRACTIONS

J. C. Bradley, Chairman

Franklin Goins, John C. Newcomb, E. F. Prichard, James Robert Spaulding, E. A. Spencer, Arthur Stallard, J. Chester Gabbard, George M. Knuckles.

RAILROADS

A. Roy Copeland, Chairman

Benton Howard, Sylvester J. Wagner, Paul S. Jonas, W. Chester Peterson, H. C. Patterson, E. A. Spencer, Adron Doran, J. T. Linton.

REDISTRICTING

John P. Craig, Chairman

R. E. West, Taylor Witt, J. W. Simmons, Charlie B. Gentry, Kleber F. Price, B. C. Holbrook, J. Gip Prather, W. Chester Peterson.

REVENUE & TAXATION

James E. Quill, Chairman

Charles W. Burnley, Sylvester Wagner, Leon J. Shaikun, Fred Carpenter, Benton Howard, Claude L. Hammons, Harry F. Walters, Franklin Goins.

ROADS & HIGHWAYS No. 1

Fred Carpenter, Chairman

Benton Howard, Carson R. Reeves, James R. Dorman, John D. Gross, Joe E. Nunn, Harry F. Walters, Herbert V. Moore, W. B. Moser.

ROADS & HIGHWAYS No. 2
C. Sid Nabb, Chairman

E. B. Thompson, Morrison Kavanaugh, Arthur Stallard, Willis Champion, J. T. Linton, Pearl McKinney, Clyde S. Howard, Franklin Goins.

SOCIAL SECURITY
Johnston Miller, Chairman

Arthur Stallard, Wade H. Riley, Amos Runyon, L. D. Moore, C. D. Call, H. G. Royalty, Pearl McKinney, Coy C. Nevitt.

STATE FAIR
J. Gip Prather, Chairman

Morrison Kavanaugh, Higgins C. Patterson, Kleber F. Price, George M. Knuckles, John P. Craig, T. H. Dyer, Albert W. Pfeiffer, Harry W. Ennis.

STATE PARKS
John Burkhart, Chairman

J. C. Bradley, Morrison Kavanaugh, John C. Newcomb, L. Allen Rhoads, John D. Gross, Marvin Cornett, Vernon Seaton, Otis C. Thomas.

STATE PROPERTIES
H. G. Royalty, Chairman

W. G. Biggers, Carl J. Scheben, R. E. West, J. Chester Gabbard, J. C. Bradley, E. B. Thompson, Taylor Witt, Sylvester J. Phillips.

STATE UNIVERSITY
James R. Dorman, Chairman

Joe Stewart, E. F. Prichard, C. W. Taylor, James P. Hallahan, W. B. Moser, H. Clay Kauffman, Wm. E. Justice, Lee Johnson.

SUFFRAGE & ELECTIONS
Clyde S. Howard, Chairman

C. D. Call, J. C. Bradley, Johnston Miller, Fred W. Schuhmann, John D. Gross, Roy L. Taylor, Carl J. Scheben, Issac Blevins.

TEACHERS' COLLEGES
L. Allen Rhoades, Chairman

A. L. Love, Herbert V. Moore, J. Lee Moore, Carson R. Reeves, W. B. Moser, J. Chester Gabbard, Amos Runyan, E. A. Spencer.

TRADE & COMMERCE
Franklin Goins, Chairman

J. W. Simmons, John P. Craig, John C. Newcomb, Bernie S. Edlin, W. G. Biggers, Paul S. Jonas, Sylvester J. Wagner, T. H. Dyer.

TUBERCULOSIS
Claude L. Hammons, Chairman

George W. Steinford, J. C. Bradley, Clyde S. Howard, Henry Thieman, Jr., W. H. Hunt, W. G. Biggers, John H. Clarke, Jr., Johnston Miller, Albert W. Pfeiffer.

VETERAN'S LEGISLATION
Leonard W. Preston, Chairman

James T. Philpott, Roy L. Taylor, Fred Carpenter, Egbert V. Taylor, C. Sid Nabb, Homer L. Losey, Douglass T. Bolling, J. Lee Moore, Arthur Stallard, L. D. Moore, Claude Hammons, John C. Newcomb, Kleber Price, E. B. Thompson, Henry Arrowood, Otis C. Thomas, J. Chester Gabbard, Joe E. Nunn.

WAYS & MEANS
Charles W. Burnley, Chairman

Clyde S. Howard, Frank H. Bassett, Jr., Joe E. Nunn, James E. Quill, George S. Steinford, Higgins C. Patterson, Fred Creasey, John H. Cox.

Mr. Simpson moved that said Rules be adopted.

Mr. Kauffman moved that consideration of the Rules be postponed until Monday, January 17, and that the Clerk be directed to have copies of the Rules mimeographed and distributed to members of the House.

Said motion was disagreed to.

The motion as made by Mr. Simpson was then agreed to, and the Rules were adopted.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Dr. J. C. Gabbard	Pearl McKinney
F. H. Bassett, Jr.	Chas. B. Gentry	Ed Marcum
W. G. Biggers	Franklin Goins	C. C. May
Isaac Blevins	J. D. Gross	Harry L. Moore
Douglas T. Bolling	R. M. Hall	Herbert V. Moore
J. C. Bradley	Jas. P. Hallahan	J. Lee Moore
Jno. W. Burkhart	Claude Hammons	L. D. Moore
Chas. W. Burnley	B. C. Holbrook	C. Sid Nabb
C. D. Call	Benton Howard	Coy C. Nevitt
Fred Carpenter	Clyde S. Howard	Jno. C. Newcomb
Willis Champion	Jerry F. Howell	Joe E. Nunn
Jno. H. Clarke, Jr.	J. J. Huff	H. C. Patterson
A. Roy Copeland	W. N. Hughes	Chester Peterson
Marvin Cornett	W. H. Hunt	Albert W. Pfeiffer
John Henry Cox	Lee Johnson	Sylvester Phillips
John P. Craig	Paul S. Jonas	James T. Philpott
Thos. S. Dawson	Wm. E. Justice	J. Gip Prather
Adron Doran	M. Kavanaugh	L. W. Preston
J. R. Dorman	G. M. Knuckles	Kleber F. Price
Bernie S. Edlin	J. T. Linton	Edw. P. Prichard
Harry W. Ennis	A. L. Love	James E. Quill

C. R. Reeves	George T. Smith	Egbert V. Taylor
Amos Runyon	Robt. J. Spaulding	H. Thieman, Jr.
Carl Scheben	E. A. Spencer	Otis C. Thomas
F. W. Schuhmann	Arthur Stallard	E. B. Thompson
Vernon Seaton	Geo. W. Steinford	John L. Trumbo
Leon J. Shaikun	Joe Stewart	S. J. Wagner
Jno. W. Simmons	Thos. M. Swope	R. E. West
Faust Y. Simpson	C. W. Taylor	Taylor Witt

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Those who voted in the negative were—

T. H. Dyer	Johnston Miller	Wade H. Riley
H. Clay Kauffman	W. B. Moser	
Homer E. Losey	L. Allen Rhoads	

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Mr. Simpson moved that the vote by which said Rules were adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Simpson moved that the Clerk of the House be directed to have five hundred copies of the 1944 Rules printed.

Said motion was agreed to.

Mr. Burnley of the Committee on Ways and Means to which the same had been referred, reported a resolution entitled:

H. Res. 5: A Joint Resolution providing an allowance for postage, telephone, stationery, supplies, etc. for members of the present General Assembly.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, a resolution entitled:

H. Res. 14. Resolution appropriating $210.00 for the purchase of Kentucky Revised Statutes and Carroll's Kentucky Code.

The Constitutional provision as to the second reading of said resolution at length having been dispensed with, said resolution was read and the second time by its title only.

Ordered that said resolution be placed in the Orders of the Day.

The Speaker announced the following Standing Committee of the House, viz.:

AGRICULTURE No. 1
Harry F. Walters, Chairman

H. G. Royalty, John H. Clarke, Jr., Morrison Kavanaugh, Carson R. Reeves, Leonard W. Preston, J. T. Linton, Coy C. Nevitt, Willis Champion.

AGRICULTURE No. 2
A. L. Love, Chairman

Joe E. Nunn, Fred Carpenter, J. W. Simmons, Higgins C. Patterson, J. Gip Prather, Franklin Goins, James R. Spaulding, Kleber F. Price.

ALCOHOLIC LIQUOR CONTROL No. 1
E. F. Prichard, Chairman

J. T. Linton, Adron Doran, Higgins C. Patterson, Leon J. Shaikun, James E. Quill, Clyde S. Howard, Charles W. Burnley, John H. Cox.

ALCOHOLIC LIQUOR CONTROL NO. 2

W. G. Biggers, Chairman

R. M. Hall, Harry W. Ennis, Benton Howard, C. C. May, C. Sid Nabb, Leonard W. Preston, Carl J. Scheben, Sylvester J. Wagner.

APPROPRIATIONS NO. 1

J. Lee Moore, Chairman

Claude L. Hammons, James E. Quill, Jerry Fonce Howell, Adron Doran, Roy L. Taylor, Faust Y. Simpson, Ed Marcum, Harry F. Walters.

BANKS AND BANKING

Sylvester J. Wagner, Chairman

James R. Dorman, Thomas S. Dawson, Faust Y. Simpson, Joe Stewart, A. Roy Copeland, George T. Smith, H. Clay Kauffman, John H. Clarke, Jr.

CHARITIES & PENAL INSTITUTIONS

Joe E. Nunn, Chairman

Leonard W. Preston, Homer E. Losey, George T. Smith, Charles W. Burnley, C. C. May, Henry Thieman, Jr., Egbert V. Taylor, Joe Stewart.

COURTS

H. Clay Kauffman, Chairman

L. Allen Rhoads, James T. Philpott, John D. Gross, Faust Y. Simpson, C. W. Taylor, Harry F. Walters, Harry W. Ennis, John P. Craig.

CITIES OF THE FIRST CLASS

Leon J. Shaikun, Chairman

W. Chester Peterson, Thomas S. Dawson, C. W. Anderson, Jr., E. A. Spencer, Fred W. Schuhmann, Albert W. Pfeiffer, James P. Hallahan, Bernie Edlin.

CITIES OF THE SECOND CLASS
Carl J. Scheben, Chairman

George W. Steinford, Paul Jonas, Vernon Seaton, James E. Quill, A. Roy Copeland, Sylvester J. Wagner, James R. Dorman, Charles W. Burnley.

CITIES OF THE THIRD CLASS
Wade H. Riley, Chairman

Douglass T. Bolling, Harry W. Ennis, Claude L. Hammons, John M. Burkhart, John H. Clarke, Jr., L. Allen Rhoads, J. J. Huff, G. M. Knuckles.

CITIES OF THE FOURTH CLASS
Tom Swope, Chairman

George T. Smith, Clyde S. Howard, J. Chester Gabbard, Adron Doran, Harry F. Walters, Homer E. Losey, John H. Cox, John L. Trumbo.

CITIES OF THE FIFTH CLASS
John C. Newcomb, Chairman

L. D. Moore, Ed Marcum, C. Sid Nabb, Roy L. Taylor, Joe E. Nunn, A. L. Love, Amos Runyon, James T. Philpott.

CITIES OF THE SIXTH CLASS
Kleber F. Price, Chairman

Fred Creasey, Egbert V. Taylor, C. C. May, R. M. Hall, H. Clay Kauffman, C. W. Taylor, J. C. Bradley, Marvin Cornett.

CLAIMS
Jerry Fonce Howel, Chairman

A. Roy Copeland, Johnston Miller, Egbert V. Taylor, Kleber F. Price, Carl J. Scheben, Douglass T. Bolling, Henry Arrowood, Charles W. Anderson.

CODE OF PRACTICE

John H. Clarke, Jr., Chairman

A. Roy Copeland, J. Lee Moore, Harry L. Moore, James E. Quill, C. W. Taylor, Ed Marcum, Henry Arrowood, Frank H. Bassett, Jr.

COMPENSATION FOR INDUSTRIAL INJURIES

C. D. Call, Chairman

Homer E. Losey, Fred W. Schuhmann, Ed Marcum, Dougless T. Bolling, Henry Thieman, Jr., Jerry Fonce Howell, W. H. Hunt, John C. Newcomb.

CONSTITUTIONAL AMENDMENTS

Higgins C. Patterson, Chairman

A. L. Love, William E. Justice, Pearl McKinney, Adron Doran, Lee Johnson, John Burkhart, James P. Hallahan, H. Clay Kauffman.

CRIMINAL LAW

C. C. May, Chairman

Harry L. Moore, Marvin Cornett, Leon J. Shaikun, E. B. Thompson, James T. Philpott, J. Lee Moore, H. G. Royalty, Wade H. Riley.

EDUCATION No. 1

Adron Doran, Chairman

John M. Burkhart, Fred Creasey, Jerry Fonce Howell, Herbert V. Moore, Johnston Miller, Benton Howard, L. Allen Rhoads, Roy L. Taylor.

EDUCATION No. 2

Amos Runyon, Chairman

Homer E. Losey, Harry L. Moore, Fred Carpenter, J. H. Clarke, Jr., Henry Arrowood, John D. Gross, J. Gip Prather, Thomas M. Swope.

ENROLLMENT
W. B. Moser, Chairman

Thomas M. Swope, Jerry Fonce Howell, Henry Arrowood, Egbert V. Taylor, Sylvester J. Phillips, Joe Stewart, E. F. Prichard, Carson R. Reeves.

FISH & GAME
Harry W. Ennis, Chairman

Wade H. Riley, Carson R. Reeves, Kleber F. Price, James Robert Spaulding, John L. Trumbo, R. M. Hall, A. L. Love, George Steinford.

IMMIGRATION & LABOR
Paul S. Jones, Chairman

Charles W. Burnley, Johnston Miller, Sylvester J. Phillips, Coy C. Nevitt, John C. Newcomb, R. E. West, C. C. May, George W. Steinford.

INSURANCE (FIRE & MARINE)
J. T. Linton, Chairman

George T. Smith, John P. Craig, Joe Stewart, L. D. Moore, T. H. Dyer, Thomas S. Dawson, Willis Champion, Carl J. Scheben.

INSURANCE, LIFE AND CASUALTY
Roy L. Taylor, Chairman

Fred W. Schuhmann, Vernon Seaton, Franklin Goins, Chester W. Peterson, George T. Smith, Lee Johnson, Fred Creasey, J. W. Simmons.

JUDICIAL COUNCIL
Frank H. Bassett, Jr., Chairman

Thomas S. Dawson, Ed Marcum, Leonard W. Preston, John L. Trumbo, James R. Dorman, C. C. May, Charles W. Anderson, Jr., J. W. Simmons.

JUVENILE COURTS AND HOME
George W. Steinford, Chairman

W. B. Moser, Pearl McKinney, William H. Hughes, Thomas M. Swope, C. D. Call, William E. Justice, Isaac Blevins, Amos Runyan.

KENTUCKY STATUTES
Faust Y. Simpson, Chairman

James E. Quill, W. B. Moser, L. Allen Rhoads, Otis C. Thomas, Leonard W. Preston, John N. Clarke, Jr., John H. Cox, Leon J. Shaikun.

LEGISLATIVE RESEARCH AND INVESTIGATION
Harry Lee Waterfield, Chairman

Adron Doran, Charles Burnley, Faust Y. Simpson, John Henry Cox, Leonard W. Preston, Johnston Miller, S. J. Wagner, Fred Carpenter, Otis C. Thomas, Franklin Goins, John H. Clarke, Jr., James E. Quill, Claude L. Hammons, E. V. Taylor, E. B. Thompson, Harry L. Moore, Thomas S. Dawson.

LIBRARY AND HISTORICAL RECORDS
J. W. Simmons, Chairman

J. J. Huff, W. H. Hunt, Paul S. Jonas, Charlie B. Gentry, William N. Hughes, Lee Johnson, John P. Craig, Taylor Witt.

MILITARY AFFAIRS
W. Chester Peterson, Chairman

E. B. Thompson, Douglass T. Bolling, H. G. Royalty, Bernie S. Edlin, W. G. Biggers, C. Sid Nabb, B. C. Holbrook, Fred Carpenter.

MINES AND MINING
Benton Howard, Chairman

Harry L. Moore, C. D. Call, John H. Cox, Fred Creasey, W. H. Hunt, John M. Burkhart, W. G. Biggers, Marvin Cornett, J. J. Huff.

MOTOR TRANSPORTATION

R. M. Hall, Chairman

H. Clay Kauffman, J. W. Simmons, Higgins C. Patterson, James R. Dorman, Frank H. Bassett, Jr., Faust Y. Simpson, Thomas M. Swope, Herbert V. Moore.

NATIONAL PARKS

Joe Stewart, Chairman

J. J. Huff, G. M. Knuckles, John M. Burkhart, Frank H. Bassett, Jr., J. T. Linton, Henry Arrowood, Charles B. Gentry, J. Lee Moore.

OIL AND MINERALS

Douglass T. Bolling, Chairman

Jerry Fonce Howell, Harry W. Ennis, Taylor Witt, Vernon Seaton, R. E. West, Otis C. Thomas, Wade H. Riley, L. D. Moore.

PRINTING

Egbert V. Taylor, Chairman

Paul S. Jonas, C. Sid Nabb, H. G. Royalty, Willis Champion, Morrison Kavanaugh, W. Chester Peterson, Otis C. Thomas, Coy C. Nevitt.

PUBLIC BRIDGES & FERRIES

Fred Creasey, Chairman

A. L. Love, C. D. Call, E. F. Prichard, Wade H. Riley, Homer E. Losey, Herbert V. Moore, Carson R. Reeves, James Robert Spaulding.

PUBLIC DITCHES

Morrison Kavanaugh, Chairman

J. Gip Prather, Isaac Blevins, Charlie B. Gentry, B. C. Holbrook, William N. Hughes, W. H. Hunt, Taylor Witt, C. W. Taylor.

PUBLIC HEALTH

Carson R. Reeves, Chairman

Thomas M. Swope, Fred Carpenter, John Burkhart, George T. Smith, Dr. J. C. Gobbard, E. F. Prichard, J. Gip Prather, James T. Philpott, W. B. Moser, Dr. J. J. Huff.

PUBLIC UTILITIES

John Henry Cox, Chairman

A. Roy Copeland, R. M. Hall, Faust Y. Simpson, Frank H. Bassett, Jr., A. L. Love, Herbert V. Moore, W. H. Hunt, H. Clay Kauffman.

PUBLICITY AND TOURISTS ATTRACTIONS

J. C. Bradley, Chairman

Franklin Goins, John C. Newcomb, E. F. Prichard, James Robert Spaulding, E. A. Spencer, Arthur Stallard, J. Chester Gabbard, George M. Knuckles.

RAILROADS

A. Roy Copeland, Chairman

Benton Howard, Sylvester J. Wagner, Paul S. Jonas, W. Chester Peterson, H. C. Peterson, E. A. Spencer, Adron Doran, J. T. Linton.

REDISTRICTING

John P. Craig, Chairman

R. E. West, Taylor Witt, J. W. Simmons, Charlie B. Gentry, Kleber F. Price, B. C. Holbrook, J. Gip Prather, W. Chester Peterson.

REVENUE & TAXATION

James E. Quill, Chairman

Charles W. Burnley, Sylvester Wagner, Leon J. Shaikun, Fred Carpenter, Benton Howard, Claude L. Hammons, Harry E. Walters, Franklin Goins.

ROADS & HIGHWAYS No. 1

Fred Carpenter, Chairman

Benton Howard, Carson R. Reeves, James R. Dorman, John D. Gross, Joe E. Nunn, Harry F. Walters, Herbert V. Moore, W. B. Moser.

ROADS & HIGHWAYS No. 2

C. Sid Nabb, Chairman

E. B. Thompson, Morrison Kavanaugh, Arthur Stallard, Willis Champion, J. T. Linton, Pearl McKinney, Clyde S. Howard, Franklin Goins.

SOCIAL SECURITY

Johnston Miller, Chairman

Arthur Stallard, Wade H. Riley, Amos Runyon, L. D. Moore, C. D. Call, H. G. Royalty, Pearl McKinney, Coy C. Nevitt.

STATE FAIR

J. Gip Prather, Chairman

Morrison Kavanaugh, Higgins C. Patterson, Kleber F. Price, George M. Knuckles, John P. Craig, T. H. Dyer, Albert W. Pfeiffer, Harry W. Ennis.

STATE PARKS

John Burkhart, Chairman

J. C. Bradley, Morrison Kavanaugh, John C. Newcomb, L. Allen Rhoads, John D. Goss, Marvin Cornerr, Vernon Seaton, Otis C. Thomas.

STATE PROPERTIES

H. G. Royalty, Chairman

W. G. Biggers, Carl J. Scheben, R. E. West, J. Chester Gabbard, J. C. Bradley, E. B. Thompson, Taylor Witt, Sylvester J. Phillips.

STATE UNIVERSITY

James R. Dorman, Chairman

Joe Stewart, E. F. Prichard, C. W. Taylor, James P. Hallahan, W. B. Moser, H. Clay Kauffman, Wm. E. Justice, Lee Johnson.

SUFFRAGE & ELECTIONS

Clyde S. Howard, Chairman

C. D. Call, J. C. Bradley, Johnston Miller, Fred W. Schuhmann, John D. Gross, Roy L. Taylor, Carl J. Scheben, Isaac Blevins.

TEACHERS' COLLEGES

L. Allen Rhoads, Chairman

A. L. Love, Herbert V. Moore, J. Lee Moore, Carson R. Reeves, W. B. Moser, Chester Gabbard, Amos Runyan, E. A. Spencer.

TRADE & COMMERCE

Franklin Goins, Chairman

J. W. Simmons, John P. Craig, John C. Newcomb, Bernie S. Edlin, W. G. Biggers, Paul S. Jonas, Sylvester J. Wagner, T. H. Dyer.

TUBERCULOSIS

Claude L. Hammons, Chairman

George W. Steinford, J. C. Bradley, Clyde S. Howard, Henry Thieman, Jr., W. H. Hunt, W. G. Biggers, John H. Clarke, Jr., Johnston Miller, Albert W. Pfeiffer.

VETERAN'S LEGISLATION

Leonard W. Preston, Chairman

James T. Philpott, Roy L. Taylor, Fred Carpenter, Egbert V. Taylor, C. Sid Nabb, Joe E. Nunn, Homer L. Losey, Douglass T. Bolling, J. Lee Moore, Arthur Stallard, L. D.

Moore, Claude Hammons, John C. Newcomb, Kleber Price, L. B. Thompson, Henry Arrowood, Otis C. Thomas, J. Chester Gabbard.

WAYS & MEANS
Charles W. Burnley, Chairman

Clyde S. Howard, Frank H. Bassett, Jr., Joe E. Nunn, James E. Quill, George S. Steinford, Higgins C. Patterson, Fred Creasey, John H. Cox.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Linton.

H. B. 42. An Act amending and re-enacting Sections 179.420 and 179.430 Kentucky Revised Statutes, and providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky as follows:

(a) That section 179.420 of Kentucky Revised Statutes be and the same is amended and re-enacted so that same shall read as follows, to wit:

(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for the construction and maintenance of county roads by the Department of Highways in accordance with previously agreed plans prepared jointly by the fiscal courts of the several counties and the Department of Highways, or prepared by one or the other and jointly approved. The plans shall take into consideration

the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which the funds shall be expended for the fiscal year to which the agreement applies. The plan for each county shall be formulated and agreed to annually.

(2) If at the end of thirty days after the beginning of the fiscal year of the Department of Highways, the department and the fiscal court of any county have failed to agree on a plan, or the department has refused to submit a plan, the department shall expend the money apportioned that county on the county roads and bridges thereof in such a manner as the fiscal court of that county determines.

(b) That section 179.430 of Kentucky Revised Statutes be and the same is hereby amended so that same shall read as follows, to-wit:

(1) All the funds apportioned under the provisions of KRS 179.410 shall be expended by the Department of Highways as provided in KRS 179.420.

(2) In order to provide for the simplification of the administration and facilities the uniform operation of KRS 179.410 to 179.440, the Department of Highways shall prescribe such reasonable rules and regulations, not inconsistent with the existing law or the provisions of KRS 179.420, as it deems necessary and proper for the information and guidance of the fiscal courts of the several counties.

By Mr. May.

H. B. 43. An Act relating to statements of campaign expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 123.060 to 123.100, inclusive, and subsections (10) to (12), inclusive, of Section 123.990, of the Kentucky Revised Statutes of 1942, are repealed.

§ 2. Subsection (1) of Section 118.400 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a county or by a district less than one county. The board shall forward the certificate to the elected candidate. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

§ 3. Subsection (2) of Section 118.420 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(2) The State Board of Election Commissioners shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State under KRS 118.400, when the returns are all in, or on the third Monday after the election whether they are in or not, but if all returns are not made the right to contest an election shall not be impaired. Any two of the members of the board may act in the absence of the third. The board shall make out the certificates of election in the office of the Secretary of State, from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the original certificate, by mail, to the elected candidates. The duplicate shall be retained in the office of the board. In the case of the election of a Representative in Congress, an additional certificate shall

be made and sent, by mail, to the clerk of the House of Representatives.

§ 4. Section 124.310 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Any person having the possession of any books, correspondence or papers of a corporation that may show or tend to show a violation of the provisions of KRS 123.010, or of KRS 123.030 to 123.050, or of subsection (1) of KRS 123.110, who refuses, when summoned by a grand jury, to produce such books, correspondence or papers, or to appear and testify concerning them or to give any other evidence material to the matter under investigation, shall be proceeded against for contempt, and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than one year.

§ 5. Subsection (2) of Section 124.330 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(2) The statement of any person testifying in any case pending under the provisions of KRS 123.010, 123.030, to 123.-050, or subsection (1) of KRS 123.110 shall not be used against him in any prosecution or civil proceeding.

§ 6. Section 122.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

In any contest over the nomination or election of any state, county, city or district officer, it may be alleged in the pleadings that the provisions of KRS 123.010 or of KRS 123.030 to 123.050, or KRS 123.110 have been violated by the successful candidate or by others in his behalf with his knowledge, and if it so appears upon the trial of the contest, the nomination or election shall be declared void. In the case of primary elections, if any candidate who is a party to the con-

test proceedings has not violated the provisions of KRS 123.-010 or of KRS 123.030 to 123.050 or KRS 123.110, and all candidates who received more votes than he did are also parties and are found to have violated those provisions, such candidate shall be declared nominated.

By Mr. Love.

H. B. 44. An Act to amend the Constitution of the Commonwealth of Kentucky to provide that the General Assembly may, by appropriate legislation, exempt real estate from ad valorem taxes payable to the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Constitution of the Commonwealth of Kentucky be amended by creating a new provision, to read as follows:

The General Assembly shall have authority to enact legislation exempting real estate from ad valorem taxes payable to the Commonwealth of Kentucky.

§ 2. This amendment shall be submitted to the voters of the Commonwealth of Kentucky for their ratification or rejection at the next general election for members of the House of Representatives as provided for under Sections 256 and 257 of the Constitution of Kentucky and section 118.430 of the Kentucky Revised Statutes.

By Mr. Love.

H. B. 45. An Act relating to the conduct of auction sales.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No auctioneer or other person conducting a sale of livestock or real estate by auction shall speak in such a manner that persons of normal and ordinary hearing standing within fifty feet of him are unable to clearly hear and distinguish his voice and words in conducting the sale.

§ 2. Any person who violates section one of this Act shall be fined not less than Ten Dollars nor more than Fifty Dollars.

By Mr. Bradley.

H. B. 46. An Act relating to interest charges against guardians, committees and curators.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 387.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If from any source a balance is owing by a guardian or committee at the end of any year, counting from the time of his appointment, which should have been invested or loaned out for the benefit of the ward in reasonable time but which remains in his hands, he shall be charged with interest from the end of the year in which the balance arose, and thereafter he shall be charged with interest compounded every two years.

(2) Guardians, curators and committees appointed and qualifying after June 24, 1906, shall be charged with the following rates of interest, to-wit: Where the amount received and held in trust does not exceed five thousand dollars, two percent; where the amount received and held in trust exceeds five thousand dollars, one and one-half percent.

(3) However, nothing in this section shall prohibit or prevent these fiduciaries from accounting for or being chargeable with sums in excess of the rates herein fixed realized upon any investment of trust funds made by the fiduciary.

By L. D. Moore.

H. Res. 15. A Joint resolution authorizing J. J. Evans, J. F. Evans and Charlie Evans of Whitley County to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. J. Evans, J. F. Evans, and Charlie Evans, of Whitley County, are authorized to sue the Commonwealth of Kentucky in Whitley County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky while said employe was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of $1,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount

recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by council in argument to the jury.

By Mr. Nevitt.

H. Res. 16. Concurrent Resolution petitioning the Secretary of Agriculture of the United States for an increase in tobacco allotments.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, producers of tobacco in Kentucky have been subjected to a tremendous hardship and loss of purchasing power amounting to over One Million Dollars a year by the curtailment in tobacco acreage allotments under the Agricultural Adjustment Administration's tobacco allotment program, and

WHEREAS, a large number of such producers have been allotted less than one acre of tobacco, thereby causing a severe economic strain upon these small producers, and

WHEREAS, the small producers of tobacco are unable to produce less than one acre of such crop on a sound and profitable basis, NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the Commonwealth of Kentucky, the Senate of the said Commonwealth of Kentucky, concurring therein, that it is the sense of the General Assembly of the Commonwealth of Kentucky that the Secretary of Agriculture of the United States should increase the tobacco allotment of all producers now allotted less than one acre to an amount of not less than one acre, in order that some of the purchasing power lost by Kentucky farmers might be restored, particularly in the case of the small producer where such income is most needed.

That each member of the Congressional delegation from Kentucky is urged to make every effort in order to bring about an adjustment in tobacco acreage allotments as herein provided.

That the Clerk of the House of Representatives is directed to send a certified copy of this Resolution upon its adoption to the Secretary of Agriculture of the United States and to each member of the Kentucky Congressional Delegation.

By Mr. Lee Johnson.

H. Res. 17. A Joint Resolution authorizing the payment of claim for supplemental tax bill and assessment fees to Wm. W. Moore, County Clerk of Lawrence County.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Wm. W. Moore, County Clerk of Lawrence County, in the sum of twenty-two dollars and thirty-one cents ($22.31), being the sum to be paid by the Commonwealth on certain supplemental tax bill and assessment fees, for services rendered during the fiscal year ending June 30, 1943.

It appearing that the said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Wm. W. Moore, and the amount necessary to pay said claim, being twenty-two dollars and thirty-one cents ($22.31), is hereby appropriated out of the General Fund for that purpose.

Ordered that said bills and resolutions be printed and referred.

Mr. Quill moved that the House do now adjourn to meet again on tomorrow at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 12, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Charles W. Grant of the Methodist Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

Mr. Hammons moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Committees to which the same had been referred reported bills and resolutions of the following titles, viz.:

By Mr. J. Lee Moore of the Committee on Appropriations.

H. Res. 13. Joint Resolution for the purchase of five hundred and fifty copies of the Kentucky Directory and appropriating $1,100.00 to purchase same.

H. B. 31. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made for such fiscal year.

H. B. 9. An Act appropriating money out of the General Fund for the purpose of supplementing the salaries of teachers in common schools.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 2. An Act relating to holidays.

H. B. 15. An Act repealing Section 176.030, Kentucky Revised Statutes.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

Under the provisions of a resolution adopted by the House on January 4 empowering the Speaker to employ assistants in and about the House chamber during this session of the General Assembly, the Speaker announced the following employees:

Byron Royster, Assistant Clerk
Ruth Hayes, Stenographer to the Speaker
Jane A. Waddle, Journal Clerk
Betty W. Monarch, Stenographer
Emily Lane, Stenographer
Mary Purdy, Bill Book Clerk
Mrs. Chas. Howes, Assistant Bill Book Clerk
Ernestine Hagar, Committee Clerk
Jean McConnell, Mail Clerk
John McPherron, Assistant Sergeant-at-Arms
R. D. Adams, Assistant Sergeant-at-Arms
W. D. Bush, Assistant Sergeant-at-Arms
William Lovett, Assistant Sergeant-at-Arms
Gilbert Wallace, Doorkeeper
W. R. Branson, Doorkeeper
W. Holland, Doorkeeper
John Green, Doorkeeper
S. A. Owens, Doorkeeper
L. Graham, Doorkeeper
E. V. Bargo, Assistant Janitor
John B. Steward, Assistant Janitor
Clarence Bradley, Assistant Cloakroom Keeper
E. G. Hardwick, Assistant Cloakroom Keeper
Palmer Copeland, Page
Calvin Stallard, Page
Cornelius Justice, Page

The House took up for consideration from the Calendar a resolution entitled:

H. Res. 5. A Joint resolution for the benefit of members of the General Assembly.

The Constitutional provision as to the second reading of said resolution at length being dispensed with, said resolution was read the second time by its title only.

Ordered that said resolution be placed in the Orders of the Day.

The Speaker announced that he had referred bills and resolutions previously introduced, as follows, viz.:

The Speaker has referred the following bills to the following committees:

COMMITTEES

House Bill— 4—Constitutional Amendments
5—Motor Transportation
8—Kentucky Statutes
11—Constitutional Amendments
12—Constitutional Amendments
13—Agriculture No. 2
14—Cities of Sixth Class
16—Public Health
17—Appropriations
18—Education No. 1
19—Courts
20—Trade & Commerce
22—Ways & Means
23—Agriculture No. 2
24—Roads & Highways No. 1
25—Suffrage & Elections
27—Education No. 2
28—Kentucky Statutes
29—Kentucky Statutes

30—Revenue & Taxation
31—Appropriations
32—Ways & Means
33—Kentucky Statutes
34—Cities of Fifth Class
35—Appropriations
36—Ways & Means
37—Suffrage & Elections
38—Agriculture No. 2
39—Kentucky Statutes
40—Social Security
41—Public Health
42—Roads & Highways No. 2
43—Kentucky Statutes
44—Constitutional Amendments
45—Ways & Means
46—Kentucky Statutes

HOUSE RESOLUTIONS

No. 6—Claims
8—Claims
9—Claims
10—Claims
11—Claims
15—Claims
16—Agriculture No. 1
17—Claims

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 14. Resolution appropriating the sum of $210.00 for the purchase of Kentucky Revised Statutes, and Carroll's Kentucky Code.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

(1) That the sum of one hundred and fifty dollars ($150.-00) is hereby appropriated for the purpose of purchasing ten (10) copies of the Kentucky Revised Statutes, and that said sum is to be paid by the Director of Finance to the Statute Revision Commission upon the delivery of the ten (10) copies of the Kentucky Revised Statute.

(2) There is further appropriated the sum of sixty dollars ($60.00) for the purchase of "Carroll's Kentucky Revised Code" from the Banks Baldwin Publishing Company and the Director of Finance is directed to pay said sum to the Banks Baldwin Publishing Company upon delivery of the copies of "Carroll's Kentucky Code" to the General Assembly.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John P. Craig
Henry Arrowood	C. D. Call	Fred Creasey
F. H. Bassett, Jr.	Fred Carpenter	Thos. S. Dawson
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	Jno. H. Clarke, Jr.	J. R. Dorman
Douglas T. Bolling	A. Roy Copeland	T. H. Dyer
J. C. Bradley	Marvin Cornett	Bernie S. Edlin
Jno. W. Burkhart	John Henry Cox	Dr. J. C. Gabbard

Chas. B. Gentry	Johnston Miller	F. W. Schuhmann
Franklin Goins	Harry L. Moore	Vernon Seaton
J. D. Gross	Herbert V. Moore	Leon J. Shaikun
R. M. Hall	L. D. Moore	Jno. W. Simmons
Jas. P. Hallahan	W. B. Moser	Faust Y. Simpson
Claude Hammons	C. Sid Nabb	George T. Smith
B. C. Holbrook	Coy C. Nevitt	Robt. J. Spaulding
Benton Howard	Jno. C. Newcomb	E. A. Spencer
Clyde S. Howard	Joe E. Nunn	Arthur Stallard
Jerry F. Howell	H. C. Patterson	Geo. W. Steinford
J. J. Huff	Chester Peterson	Joe Stewart
W. N. Hughes	Albert W. Pfeiffer	Thos. M. Swope
Lee Johnson	Sylvester Phillips	C. W. Taylor
Paul S. Jonas	James T. Philpott	Egbert V. Taylor
Wm. E. Justice	J. Gip Prather	Roy L. Taylor
H. Clay Kauffman	L. W. Preston	H. Thieman, Jr.
M. Kavanaugh	Kleber F. Price	E. B. Thompson
G. M. Knuckles	Edw. P. Prichard	John L. Trumbo
J. T. Linton	C. R. Reeves	S. J. Wagner
Homer E. Losey	L. Allen Rhoads	Harry F. Walters
A. L. Love	Wade H. Riley	R. E. West
Pearl McKinney	H. G. Royalty	Taylor Witt
Ed Marcum	Amos Runyon	
C. C. May	Carl Scheben	—94

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 7. Resolution memorializing Congress of the United States to pass legislation giving men and women in the Armed Forces the right to vote in elections.

And that they had passed a resolution entitled:

S. Res. 9. Joint Resolution memorializing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

Said resolution is as follows, viz.:

Whereas, it is well established that in order to insure an increase in production and a continuance of production of crude petroleum in the State of Kentucky, as well as throughout the Nation, it is necessary that the price of crude petroleum be increased, and

Whereas, there is now pending before the Congress of the United States a bill H. R. 2887 which has been passed by the House of Representatives and is now pending in the Senate of the United States, which bill has for its objective authorizing an increase in the ceiling price of crude petroleum, and

Whereas, this bill is now pending in the United States Senate for action, now therefore

Be It Resolved by the House of Representatives, the Senate concurring therein:

1. That we memorialize the members of the Congress of the United States, both in the House and in the Senate, that they, at the earliest possible date, take such action as may be necessary to pass legislation of the character and kind above referred to as H. R. 2887, or take such other and additional action as may be necessary to authorize and re-

quire the approval of such increases as may from time to time be necessary to insure sufficient supply of crude petroleum in the United States to meet the wartime requirements of the United States, including essential industrial and civilian demands.

2. The Clerk of the House of Representatives, immediately upon the passage of this resolution shall send copies thereof to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and the Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

S. Res. 9. A Joint Resolution memorializing Congress to Pass a Law the Ceiling Prices on Crude Petroleum to be Increased.

Whereas, the President of the United States, recognizing the importance of petroleum to the war effort, did on the second day of December, 1942, appoint a Petroleum Administrator for War, whose responsibilities were to insure a supply of petroleum to meet the nation's wartime requirements, and

Whereas, this Administrator has recommended to the Office of Price Administration that in order to maintain the necessary supply of crude petroleum to meet the wartime requirements of the Army and the essential industrial and civilian demands that the price of crude petroleum should be increased, and

Whereas, the Price Administrator has failed and refused to make such increases as have been recommended, and

Whereas, The Honorable Fred M. Vinson, Director of the Office of Economic Stabilization, in passing upon the re-

quest of the Petroleum Administrator for such price increase, which recommendation was then on appeal with the Office of Economic Stabilization, decided that such increases could not be made because they were not required by law, and

Whereas, the President of the United States on April 8, 1943, issued Executive Order 9328, part of which is as follows: "The Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living, (he) is directed to authorize no further increases in ceiling prices except to the minimum extent required by law. .", and

Whereas, the Executive Order of the President of the United States has been interpreted by the Office of Economic Stabilization as preventing them from authorizing increases in the ceiling prices of crude petroleum, unless specifically required by laws, and

Ordered that said resolution be referred to the Committee on Ways and Means.

Mr. Moser offered the following resolution, viz.:

A RESOLUTION recognizing Nathan B. Stubblefield, who was a native of the city of Murray, Calloway County, Kentucky, as the inventor of the radio.

WHEREAS, Nathan B. Stubblefield, who was a native of the city of Murray, Calloway County, Kentucky, has been recognized by eminent historians and scientific authorities as the true inventor of the radio, and

WHEREAS, it is fitting and appropriate that this Commonwealth give proper recognition, respect and honor to Nathan B. Stubblefield for his outstanding achievement and service to mankind, NOW, THEREFORE,

BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly of the Commonwealth of Kentucky hereby publicly recognizes Nathan B. Stubblefield, who was a native of the city of Murray, Calloway County, Kentucky, as the true inventor of the radio, and it is the sentiment of the General Assembly that said Nathan B. Stubblefield is entitled to the highest honor and respect, at the hands of the people of this Commonwealth and of this nation, for his outstanding, scientific achievement and public service.

Said resolution was adopted.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. C. W. Taylor.

H. B. 47. An Act relating to the sales of livestock.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise, "stockyard" means livestock yard, market place, concentration point, packing plant or any other place where livestock is bought and sold on a commercial basis.

§ 2. The General Assembly finds as a fact that a monopoly exists in the operation of stockyards, and that the operation of stockyards is affected with a public interest, and that the operation of stockyards is a public utility, and that the regulation of stockyards is in the public interest.

§ 3. (1) The acceptance of livestock by a stockyard shall constitute an implied agreement on the part of the operator or owner of the stockyard that the minimum price he will pay for hogs and sheep will not be more than ten cents (10c) per 100 lbs. under the lowest price of the preceding day at such stockyard, and that the minimum price he will pay for cattle will not be more than twenty-five cents (25c) per 100 lbs. under the lowest price of the preceding day at such stockyard. This agreement shall be conclusively deemed to have been made by the acceptance of the livestock, and shall not be affected by any other agreement or the payment or acceptance of a price at variance with the limits herein established.

(2) If any stockyard violates the implied agreement provided by subsection (1) of this section, by paying for hogs or sheep an amount less than ten cents (10c) per 100 lbs., under the lowest price of the preceding day at such stockyard, the owner or consignor of the livestock shall have a civil cause of action to recover liquidated damages, in an amount equal to three times the amount that would have been received for the livestock if it had been sold at the highest price paid on the preceding day at such stockyard.

§ 4. (1) All livestock delivered for sale to any stockyard shall be weighed and receipted for within one hour after arrival at the stockyard, when received between 6 a. m. and 4 p. m.

(2) Any stockyard violating subsection (1) of this section shall be subject to a civil action for liquidated damages by the owner or consignor of the livestock, in an amount equal to twenty-five percent (25%) of the sale value of the livestock.

By Mr. Witt.

H. B. 48. An Act relating to State aid for County roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

The funds apportioned to the several counties under the provisions of KRS 179.410 shall be paid by the State Treasurer to the treasurers of the respective counties as soon as the funds are available. Such funds shall be expended by the fiscal court of each county solely for the construction and maintenance of county roads.

§ 2. Sections 179.430 and 179.440 of the Kentucky Revised Statutes are repealed.

By Mr. Shaikun.

H. B. 49. An Act relating to registration and purgation, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 117.330, 117.340, 117.350, 117.360, 117.370, 117.380, 117.390, 117.400, 117.410, 117.420, 117.430, 117.440, 117.460, 117.470, 117.480, 117.490, 117.520, 117.540, 117.550, 117.560, 117.570, Kentucky Revised Statutes, 1942 (First Edition), be and the same are hereby repealed, amended and reenacted so that when reenacted same shall read as follows:

In counties having cities of the first class, the purgation of registration lists in said cities, in addition to the purga-

tion now provided by law, shall be conducted exclusively in the following manner:

It shall be the duty of the board of registration commissioners of cities of the first class to cause a purging and correcting of the registration lists and records for party primaries upon the request in writing of the county executive committee of any political party having representation upon the State Board of Election Commissioners, upon the request in writing of any candidate for office in any primary, or upon the request in writing of any citizen, such list to be submitted at least fifty-eight days before such primary:

Said purging and correcting of the records shall be conducted in the following manner:

It shall be the duty of said board of registration commissioners to cause to be made a canvass of each voter challenged by any county executive committee of a political party, candidate or citizen, when such executive committee, candidate or citizen shall have filed with said board a written list, specifying the name and address of the challenged voter and the grounds of the challenge, and such list shall be signed by the chairman of said county executive committee, or his duly authorized agent or by such candidate or citizen. The canvass of such challenged voters shall be made jointly by two investigators for each two hundred (200) names of challenged voters submitted. Said two investigators shall be appointed by said board of registration commissioners from lists submitted by the county executive committees of the two dominant political parties having representation upon the said board of election commissioners. One of such investigators shall be selected from each of the two dominant political parties aforesaid and they shall make their investigation jointly. Said investigators shall be sworn by a member of said Board faithfully to perform their duties.

Said investigators shall be appointed ten (10) days in advance of the date specified by the said board of registration commissioners for the commencement of the canvass, and, in the discretion of the Board, may be removed by said Board and substitutes appointed therefor from the lists submitted. Said canvass shall be made during the first three (3) weeks of the sixty-day period next preceding the date upon which the primary is to be held.

Said board of registration commissioners shall prepare and furnish each investigator with a list of the names and addresses of the challenged voters which he is to investigate, arranged in convenient order to facilitate investigation. The two investigators, appointed as herein provided for each two hundred (200) challenged voters, shall make a written report to said board of registration commissioners not later than the last day of the three-week period provided for herein to make said canvass, giving the names and addresses of all of such challenged voters, stating which of said voters are properly registered and legally entitled to vote in the primary election to be held in such year, which of said voters are not properly registered or are not legally entitled to vote at the subsequent primary election, and which of said voters they cannot agree upon as to their eligibility to vote in said primary election. When said reports of the investigators assigned jointly to investigate any given list of voters agree that any person on said list is not legally entitled to vote at the primary election to be held in such year, said board of registration commissioners shall remove, transfer, or cancel the registration of such voter, as the case may be, so as to make said record correspond with the report of the investigators and correct same to the date of said report; provided, however, that no such change shall be made until after notice shall have been mailed to the person affected to the address appearing upon the registration record, stating that it is the intention of said board of registration commissioners

to change, transfer or cancel such registration unless a written protest is filed within five days from the date of such notice at the office of said Board; in the event written protest is filed, no such change shall be made until after the protestant has been given reasonable opportunity to appear before said Board and be heard as to his right to vote, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners. The determination of said board of registration commissioners as to the challenged voter's right to vote shall be final, unless appealed, as hereinafter provided. The investigators herein provided for shall be paid for their services by the fiscal court of the county in which they are appointed, after proper certification in writing of the amount due by the chairman and the secretary of said board of registration commissioners, at the rate of three cents (3c) per name investigated. All other expenses of conducting such a purging of the registration records shall be borne by said Board of Registration Commissioners. In the event the investigators disagree as to whether or not any voter is properly registered and legally entitled to vote in the primary election to be held in such year, they, or either of them, shall reduce to writing the facts as developed and certify such statement of facts to the Board of Registration Commissioners, which Board shall cause a notice to be mailed to the person effected, at the address appearing upon the registration record on file in the office of the Board, stating that said Board has before it for decision the question as to whether or not the registration of such person should be changed, transferred or cancelled and that it is the duty of such person to file protest within five days in the office of the Board of Registration Commissioners. After the expiration of five days from the mailing of said notice, the Board of Registration Commissioners shall promptly hear the question of the right of such person to vote and shall determine such right.

Any citizen of a city of the first class, or either county executive committee, may challenge the registration of any voter before any primary, regular or special election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than five weeks prior to such primary, regular or special election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon, at such time as is fixed by said board, after notice in writing has been served upon the challenged voter, either by delivering, or offering to deliver, a copy of said notice to him in person, or, if said voter cannot be found at his place of residence shown on his registration record, by leaving a copy thereof with any person over the age of sixteen, residing in the same family with said voter, or if no such person be there, by fixing a copy of said notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to said Board with an endorsement thereon, stating when and how it was served, and, if a copy is not delivered to the person to whom it was directed, the endorsement must state the facts authorizing the manner of service adopted and the official position of the person serving such notice. If the person serving the notice be not an officer, he must make affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such an endorsement of an officer, or such endorsement and affidavit of one who is not an officer, shall be proof of service. After said notice has been served, in the manner set out above, the said Board shall decide the right of the challenged voter to vote in the primary, regular or special election. The Board shall investigate each case before a hearing is held.

The failure of any challenged voter to appear, after notice of challenge has been served upon him as provided in

this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be cancelled, transferred or suspended as the case may be.

No decision of the Board of Registration Commissioners of a city of the first class, affecting the right of a voter to vote in any primary, regular, or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such board later than ten days before any election.

§ 2. If said Board of Registration Commissioners, or County Clerk, finds that there are names of persons upon the registration lists or books who are properly and legally registered, but further find that any of such voters are not entitled to vote in the next primary, general or special election, said Board or County Clerk shall not cancel said registration but shall cause the registration cards or names of such voters to be removed from the registration lists or books and retained in the office of the Board or County Clerk, so that said names shall not be sent to the precincts on election day for said coming election in which said voters are not qualified to participate. The registration cards so retained shall be held in some secure place and identified as suspended lists of registered voters, and the names of said voters shall not be replaced in the registration lists or books by said Board of Registration Commissioners or County Clerk until such time as said voters may be eligible to vote. Provided, however, no such cards or names of such voters shall be removed until after notice has been mailed by said Board to the person affected, at the address appearing upon the registration record on file in the office of the Board, stating that it is the intention of the Board to remove such voter's registration card from the registration book and retain same in the office of the Board by reason of the fact that such voter is not qualified to participate in the coming election, or by

the county clerk who shall follow the same procedure with reference to notice. If protest is filed no such change shall be made until after the protestant has been given a reasonable opportunity to be heard, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners, or by the county clerk in case such voter resides in that portion of the county outside of the cities of the first class. Such voters, however, will not be required to re-register.

In all counties of the Commonwealth, excepting counties containing cities of the first class, in which case in only that portion of such counties outside of the cities of the first class, the purgation of registration lists in such counties shall be conducted in the following manner.

When the county executive committee of any political parties having representation on the State and County Board of Election Commissioners, or any candidate for office in any primary, or any citizen, shall notify the county board of election commissioners in writing of its, or his, desire to purge the registration list of any precinct, said county board of election commissioners shall appoint two officers for each such precinct, whose duty it shall be to purge the registration lists in that precinct. These officers need not reside in the precinct to be purged. The written request for such purging shall be filed by any such county executive committee, candidate or citizen, with the county board of election commissioners not later than sixty (60) days before the next ensuing primary, general or special election in any year. Such request shall state the name and address of each voter whose name is challenged and the ground upon which challenged. It shall thereupon be the duty of the county board of election commissioners to appoint two purgation officers from lists submitted by the county executive committees aforesaid, not later than fifty-five (55) days before such primary, general

or special election, one of such purgation officers being selected from each of the two dominant political parties having representation on the State Board of Election Commissioners. If a county executive committee, aforesaid, fails to submit a list within the time limited above, such county board of election commissioners may nominate and appoint purgation officers to act on behalf of such committee.

Said purgation officers shall be appointed ten days in advance of the date specified by the county board of election commissioners for the commencement of the canvass, which shall be completed not later than three (3) weeks before any primary, general or special election, and may, in the discretion of the Board, be removed by said county board of election commissioners and substitutes appointed therefor from the lists submitted.

The list of challenged voters shall be turned over to these two purgation officers who shall be sworn by the chairman of said board of election commissioners faithfully to discharge their duties as such, and they shall meet promptly after qualification in the precinct for which they are to act at some place designated and provided by the sheriff of the county. Said officers shall have the power to summons and swear witnesses and shall conduct a hearing in the precinct at such time, or times, as they may fix; each voter who has been challenged shall, unless upon investigation both purgation officers shall agree that the challenge is unfounded and the voters lawfully registered, be notified of the time and place of the meeting at which the challenge against him will be heard, such notice to be in writing and served upon the challenged voter either by delivering, or offering to deliver, a copy of said notice to him, in person, or, if said voter cannot be found at his place of residence shown on his registration record, by leaving a copy thereof with any person over the age of sixteen residing in the same family with said voter, or if no such person be there, by

affixing a copy of said notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to the purgation officers with an endorsement thereon, stating when and how it was served, and, if a copy is not delivered to the person to whom it was directed, the endorsement must state the facts authorizing the manner of service adopted and the official position of the person serving such notice. If the person serving the notice be not an officer, he must make an affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to, or interested in, the proceeding. Such endorsement of an officer, or such endorsement and affidavit of one who is not an officer, shall be proof of service.

After investigation and hearing such evidence as may be presented, the purgation officers shall determine whether the voter is properly and legally registered; such hearing shall be conducted in a summary manner and the officers, in their discretion, may reasonably limit the number of witnesses testifying for either party. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be cancelled by them. The failure of any voter against whom a notice of challenge has been served, as provided herein, to appear at such hearing, shall be prima facie evidence that he is not entitled to registration, and his registration record shall be cancelled. Appeals from the action of the purgation officers may be taken in the manner hereinafter provided. If they find that he is legally and properly registered, nothing further shall be done with his name. The county court clerk shall turn the "copy" registration record of the precinct over to such purgation officers when they are to hold their meetings, taking their receipt therefor, and upon the conclusion of their meetings, the purgation officers shall return such registration record to the county clerk and take his receipt therefor. Immediately after the purgation officers return such registration records, the county

court clerk shall forthwith mail to each challenged voter, whose registration has been cancelled by the purgation officers, a notice, stating that his registration has been cancelled by the purgation officers, such notice to be mailed to the person affected, at the address appearing upon the registration record on file in the office of the county court clerk. In the event the purgation officers disagree as to whether the registration of any person should be cancelled, they, or either of them, shall reduce to writing the facts as developed and certify such statement of facts to the county court clerk, who shall forthwith assign the case of each such voter challenged to the judge of the county court, who shall promptly hear the case de novo, after notice to the challenged voter as hereinafter provided, summarily decide the question, and endorse on the statement an order disposing of the same, returning the statement with his endorsement thereon to the clerk. The clerk, upon receipt of such certification from such purgation officers, shall immediately issue a notice to the challenged voter to appear before the judge of the county court not later than five (5) days after the service of such notice, which notice shall be served as set forth in Section 1 hereof.

When any person is aggrieved by any act of said board of registration commissioners, or by any county clerk, acting on a report of the purgation officers in respect to his registration, as provided for herein, or as otherwise provided for by law, such person shall have the right to apply for a review thereof to the county judge, or to any judge of the circuit court of the county of such voter's residence, at any time up to thirty (30) minutes before the time fixed by law for the closing of the polls, at any primary, general or special election. Such application shall consist of a written statement on printed forms to be furnished by said board of registration commissioners, or by the said county clerk, setting forth the act of said board, or clerk, complained of and the grounds of his complaint. Before such application is made, written notice shall have

been given to said board of registration commissioners or to said county clerk, as the case may be, setting forth the name of the judge before whom, and the time and place at which, such application will be made and the grounds therefor, so as to give said board of registration commissioners, or said county clerk, as the case may be, a reasonable opportunity to be present and to be heard at such time and place. The judge to whom such application is made shall, at the time fixed on the notice or a subsequent time appointed by said judge, summarily decide the question presented and endorse on the statement of complaint an order disposing of the same. The action of said judge in such case shall be final and, upon return of the statement of complaint with the order of the judge disposing of same, endorsed thereon, to said board of registration commissioners, or to said county clerk, as the case may be, said board, or clerk, shall correct its, or his, records, in accordance with such order. If the order of such judge is received after the registration records have been sent to the precinct of the voters' residence for use in the current election, to be, or then being, held, then such board, or clerk, as the case may be, in the event the voter's application for reinstatement has been granted, shall issue a certificate to the election officers of the precinct of the voters' residence, setting forth the order of the judge.

It is hereby declared to be the legislative intent that each and every paragraph and section of this act shall be severable and that the General Assembly would have enacted each and every paragraph hereon separately. In the event it should be adjudged that any paragraph, or section, hereof is unconstitutional, or void, such adjudication shall, in no way, affect such paragraph, sections or parts hereof not adjudged to be unconstitutional.

Any person who shall knowingly and wilfully fail to perform any of his duties set forth in this act shall be guilty of a

misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense.

Nothing contained in this act shall, in any way, affect, change or alter the qualifications of any voter in any election held in this State.

All laws in conflict with this act are hereby expressly repealed.

WHEREAS, the enactment of this act will repeal all prior acts providing for the purgation of registration lists for any primary election and will repeal certain existing laws relating to the purgation of election lists in the counties of this Commonwealth; and

WHEREAS, the purgation of the registration lists of disqualified, or illegal, voters, in both primary and general elections, is salutary and is necessary for the preservation of our democratic form of government; and

WHEREAS, to be effective, this act must become operative more than sixty (60) days prior to the next primary election to be held in August, 1944,

NOW, THEREFORE, an emergency is hereby declared to exist and this act shall become effective immediately after its passage by the General Assembly and its approval by the Governor.

By Mr. Howard.

H. B. 50. An Act to amend Sec. 256 of the Constitution relating to amendments to said Constitution.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 256 of the Constitution of the Commonwealth of Kentucky be, and the same is amended to read as follows:

Amendments to this Constitution may be proposed in either house of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each house, such proposed amendment or amendments, with the yeas and nays of the members of each house taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the state for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken theron in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the state at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than five amendments shall be voted upon at any one time. Nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be pro-

posed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

§ 2. This amendment shall be submitted to the voters of the Conmonwealth for their ratification or rejection at the next general election for members of the House of Representatives as provided for under Section 256 and 257 of the Constitution of Kentucky, and under KRS 118.430.

By Mr. Moser.

H. B. 51. An Act relating to taxation for school purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 160.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) In an independent district embracing a city of the first class the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar on each one hundred dollars of property subject to local taxation.

(2) In an independent district embracing a city of the second class the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar on each one hundred dollars of property subject to local taxation, except that an additional levy not to exceed twenty-five cents on each one hundred dollars of taxable property may be made for operating and maintaining the schools, if the leg-

islative body of the city approves the levy and the board of education presents due proof to the city legislative body that the additional levy is necessary for school purposes.

(3) In an independent district embracing a city of the third class the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar and fifty cents on each one hundred dollars of property subject to local taxation.

(4) In an independent district embracing a city of the fourth class the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar and fifty cents on each one hundred dollars of property subject to local taxation.

(5) In those independent graded common school districts that were in existence on June 14, 1934, the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar and twenty-five cents on each one hundred dollars of property subject to local taxation.

(6) In county school districts, the tax levy for school purposes, other than sinking fund purposes, shall be not more than one dollar and twenty-five cents on each one hundred dollars of property subject to local taxation, but no fiscal court shall be required to levy a tax in excess of seventy-five cents on each one hundred dollars of property subject to local taxation, and the levying of a tax of seventy-five cents on each one hundred dollars of property subject to local taxation shall be considered as meeting the requirements of KRS 157.052 that the maximum school tax be levied in order to entitle the school district to share in state funds provided for equalization of educational services.

H. B. 52. An Act authorizing agreements consolidating oil and gas leases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A trustee appointed by any circuit court of this state in cases where contingent future interests in land are involved may enter into a consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

Sec. 2. A consolidation agreement, within the provisions of this act, is an agreement which provides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portions thereof, so that the oil and gas leases or portions thereof embraced to such agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidated areas shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

Sec. 3. (a) Upon the execution of such a consolidation agreement, the trustee shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3)

disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the beneficiaries for whom such trustee is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian ad litem to represent the beneficiaries for whom such trustee is acting and whose interests are sought to be consolidated hereunder. The guardians ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvantages of such agreement, and shall make such recommendation to the judge relating to the agreement and he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

By Mr. Rhoads.

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A guardian of a minor may enter into consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

Sec. 2. A consolidation agreement, within the provisions of this act, is an agreement which prvoides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portion thereof, so that the oil and gas leases or portions thereof embraced in such agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidated area shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

Sec. 3. (a) Upon the execution of such a consolidation agreement, the guardian shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3) disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the minor or minors for whom such guardian is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian

ad litem to represent the minor or minors whose interests are sought to be consolidated hereunder. The guardian ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvantages of such agreement, and shall make such recommendation to the judge relating to the agreement as he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon, which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

By Mr. Rhoads.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by Committees of persons of unsound mind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A committee of a person of unsound mind may enter into a consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

§ 2. A consolidation agreement, within the provisions of this act, is an agreement which provides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portions thereof, so that the oil and gas leases or portions thereof embraced in such agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidation area shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

§ 3. (a) Upon the execution of such a consolidation agreement, the committee shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3) disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the person or persons of unsound mind for whom such committee is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian ad litem to represent the person or persons of unsound mind whose interests are sought to be consolidated hereunder. The guardian ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvan-

tages of such agreement, and shall make such recommendation to the judge relating to the agreement as he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon, which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

By Mr. McKinney.

H. B. 55. An Act relating to listing of property for taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 132.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) All taxable property and all interest in taxable property shall be assessed and valued by the county tax commissioner as of July 1 of each year unless otherwise provided by law. All real estate situated in this state and all personal property having a taxable situs in this state shall be listed by the county tax commissioner of the county where the property is located, between July 1 and September 1 of each year, except as otherwise provided by law. All persons in

whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) The county tax commissioner, by himself or deputy, shall call at the residence or usual place of abode of all taxpayers in the county and there furnish a schedule and secure the assessment of the property of the taxpayer, unless otherwise provided by law. He shall view the property when practicable to do so. If the taxpayer is not at his residence or usual place of abode at the time of such call, the county tax commissioner or deputy shall leave a written notice together with a copy of the schedule, the notice stating that the county tax commissioner or his deputy has called to assess the property of the taxpayer. The taxpayer shall then personally appear before the county tax commissioner or deputy at his office and list his property within the time provided for listing. The county tax commissioner or deputy shall see in person every taxpayer in his county who fails or refuses to list his property, and shall secure an assessment thereof.

(3) Real property or any interest therein shall be listed in the county or district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the county tax commissioner shall list it. The county tax commissioner may swear witnesses in order to ascertain the person in whose name to make the list.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the commissioner, otherwise in the name of the occupant, if ascertainable, and otherwise to "Unknown owner." The undivided real estate of any deceased person may be assessed to the heirs of such person without designating them by name.

§ 2. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who fails or refuses to comply with the provisions of KRS 132.220 shall be fined not more than fifty dollars for each offense.

§ 3. Section 132.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each tax commissioner, from his knowledge, from information in property schedules and from such other evidence as he may be able to obtain, shall assess all the real and personal property in his county at its fair cash value and the property of one person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another. Any grossly discriminatory valuation shall be construed as an intentional discrimination.

(2) If the county tax commissioner assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer, the tax commissioner shall serve notice on the taxpayer of such increase before the beginning of the inspection period. The notice may be given by registered mail or as provided in the Civil Code of Practice.

(3) When the tax commissioner gives a notice by registered mail he shall secure a return receipt. The tax commissioner shall be allowed twenty cents for each notice given by registered mail, upon presentation of the return receipt to the Department of Revenue, from the appropriation from which the county tax commissioners are paid.

(4) Any taxpayer may designate on his assessment schedule any property which he does not consider to be subject to taxation and it shall be the duty of the tax commis-

sioner to obtain and follow advice from the Department of Revenue relative to the taxability of such property.

(5) Any taxpayer who has a reasonable excuse for not listing his property before the county tax commissioner or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the county tax commissioner. This shall be a compliance with the law in his particular case.

By Mr. Prichard.

H. B. 56. An Act relating to motor vehicle operators' licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt from an operator's license, when operating an official vehicle in the course of his service.

(3) During the remainder of the period of National Emergency and six months thereafter which was declared to exist by proclamation of the President of the United States

dated May 27, 1941, any person in active service in the armed forces of the United States shall be permitted to operate a motor vehicle without the operator's license required by KRS 186.410.

(4) Six months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States dated May 27, 1941, subsection (3) of this section shall stand repealed.

By Mr. Wagner.

H. B. 57. An Act to amend Sec. 95.500 Kentucky Revised Statutes, 1942; to limit the number of hours the firemen of cities of the second class shall be required to be on duty and providing a vacation for such firemen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.500 Kentucky Revised Statutes 1942 shall be amended and reenacted so that when amended and reenacted it shall read as follows:

95.500. CHIEF OF FIRE DEPARTMENT; DUTIES; POWERS, FIREMEN; HOURS OF VACATIONS; CITIES OF SECOND CLASS.

(1) The chief of the fire department in cities of the second class shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.

(2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines and other equipment provided for the fire department. He shall perform such other duties as the city legislative body shall, by ordinance, prescribe.

(3) The fire department of each second class city shall be divided into not less than two platoons, one of which platoons shall be on duty at a time but neither platoon shall be on duty more than twenty-four consecutive hours, except in cases of extraordinary emergency, after which the platoon serving twenty-four hours shall be allowed to remain off duty for at least twenty-four consecutive hours. Each individual member of the platoons in addition to receiving a minimum of twenty-four hours off duty in each period of forty-eight hours shall receive an additional period of twenty-four consecutive hours off duty in each period of fourteen days. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section.

(4) In each city of the second class all employees of the fire department shall be given not less than two weeks leave of absence annually, with full pay.

By Mr. Wagner.

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Board of Education is hereby authorized and empowered to purchase, lease, rent or erect one or more buildings from funds available to it for that purpose, to be located in Kenton County, Kentucky, and to be known as "Northern Kentucky State Vocational School."

Section 2. The said "Northern Kentucky State Vocational School" is hereby authorized to be established, conducted, maintained and operated by the State Board of Education, in accordance with Kentucky State Plans for Vocational Education to make available vocational training and education.

By Mr. Harry L. Moore.

H. B. 59. An Act to amend Section 183 of Criminal Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 183 of the Criminal Code of Practice be, and the same is hereby, amended and re-enacted to read as follows:

If the indictment be for a felony, the defendant must be present, and, if on bail, may remain on bail during the trial, unless the court, which it may do in its discretion, shall require that the defendant be placed and kept in actual custody. If allowed to remain on bail during the trial, the defendant shall be placed in actual custody when the case is finally submitted to the jury. If he escapes from custody after the trial has commenced, the trial may either be stopped or progress to a verdict, at the discretion of the Commonwealth's at-

torney; but judgment shall not be rendered until the presence of the defendant is obtained.

By Mr. Rhoads.

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom where contingent future interests are involved.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. *Leases—Contingent Future Interests.*—Where lands, or any estate interest therein, are subject to any contingent future interest, legal or equitable, by way of remainder, reversion, possiblity of reverter, upon the happening of a condition subsequent, or otherwise, created by deed, will, or otherwise, and whether a trust is involved or not, and it is made to appear that it will be advantageous to the present and ultimate owners of said lands or estate or interest therein, the court shall have the power, pending the happening of any contingency and the vesting of such future interest or interests, to declare a trust in said lands or estate or interest therein, appoint a trustee therefor, and to authorize such trustee to sell, execute and deliver a valid oil, gas, coal or other mineral lease covering said lands or estate or interest therein.

Sec. 2. *Jurisdiction.*—The circuit court of the county wherein the land sought to be leased, or some portion thereof, is situated shall have jurisdiction of the proceedings authorized under this act.

Sec. 3. *Institution of Proceedings.*—The proceedings provided for hereby may be instituted upon the petition of any

one or more of the parties who have a present interest or a contingent interest in the land or estate or interest therein.

Sec. 4. *Parties.*—All of the persons in being who have any present or contingent interest in the lands or estate or interest sought to be leased shall be made parties to the proceedings herein authorized with any infant or infants being represented either by next friend or statutory guardian or guardian ad litem, or in the case of constructive service of summons by a warning order attorney appointed as in other cases. If the court specifically finds that the welfare or interest of any person or persons not in being require special representation, the court may appoint a trustee ad litem to represent such unknown parties not in being or each separate class thereof, and such trustee ad litem shall file such pleadings or answer and take such steps as he deems proper, and such unknown persons will be fully bound by the proceedings hereunder. Otherwise, and in the absence of such findings by the court, it shall not be necessary to make parties any persons not in being, either as "Unknown Defendants" or otherwise, but the persons in being who are parties shall stand for and represent the full title and whole interest in said lands or estate or interest therein, and all parties not in being who might have some contingent or future interest therein, and all persons, whether in being or not in being, having any interest, present, future or contingent, in the property sought to be leased, will be fully bound by the proceedings hereunder.

Sec. 5. *Decree.*—Should the court appoint a trustee pursuant to Sec. 1 hereof, the court shall, in its decree, require such trustee to give a bond in favor of the owners of the property which is to be leased and shall fix the amount of such bond. The decree of the court shall further provide for all the terms and provisions of the lease which the trustee is authorized to make. It shall be discretionary with the court as

to whether or not the trustee's sale of lease shall be public or private, and the decree shall provide therefor, and if a public sale be authorized the court shall, in its decree, fix and determine the notice to be given. Such sale shall be for cash, payable on confirmation of sale. No appraisement shall be required.

Sec. 6. *Sale, Report of Sale, and Confirmation of Sale.*—The trustee shall proceed, conformably to the provisions of such decree, to sell the lease authorized thereby, and after making such sale shall make a report thereof to the court. Upon the filing of such report, the court may hear evidence as to whether or not the sale price is reasonable, and, if the court be satisfied with the sale and the amount received therefor, such sale shall be confirmed by the court and the lease executed by the trustee approved by the court on the face thereof.

Sec. 7. *Funds—Management.*—All funds received by any trustee appointed under this act shall be held, managed, invested or otherwise dealt with by such trustee under and pursuant to the direction of the court, as the rights and interests of the parties and the equities of the case may require, for the benefit of the persons entitled, or who may become entitled, thereto, according to their respective rights and interests.

By Mr. Hammons.

H. Res. 18. A Joint Resolution authorizing Hay Steward, or his committee, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, Hay Stewart, a Corporal and member of the 149th Infantry, Company "A," Kentucky National Guard, stationed at Harlan, in Harlan County, Kentucky, in 1933, and

WHEREAS, in the months of August or September, 1933, said Company and said Hay Stewart, a member and a non-commissioned officer thereof, was called into the active service of the State during election troubles in said county growing out of, and incident to the Primary Election of August, 1933, in said county, and while the said Hay Stewart was on active duty at and about the court house of said county, and before the said National Guard became Federalized, he was permanently injured by reason of exposure in inclement weather and heavy rains, and because of arduous and exacting guard and patrol duty required of him, and long and confining hours at day and night times, and did not in any way contribute to the sickness, injury and disease from which he has at all times since, and now, continuously suffers by reason of his said service, and

WHEREAS, as the result of his said injuries and exposure by day and by night, he then immediately became permanently injured and sick in body and mind, and is now, and has been at all times since, totally and permanently injured, diseased and disabled;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said Hay Stewart, or his duly authorized Committee be, and he or they are hereby authorized to sue the Commonwealth of Kentucky, in the Whitley Circuit Court, the county of his residence, to recover for his said injuries. Such claim, suit, or judgment, may be settled or compromised upon approval of the Attorney General, and certified by the Department of Finance for payment when or if settled or ad-

judicated, and when or if so settled or adjudicated shall be paid as follows:

The Director of Finance will draw his warrant upon the State Treasurer for the amount of any such judgment, settlement or compromise, and the State Treasurer will issue his check for said sum payable to the said Hay Stewart, or his duly or legally authorized Committee, all of which shall be drawn upon and paid out of the General Fund.

Either or any party to any such suit may appeal from any judgment entered therein, to the Court of Appeals, as in any other civil action.

By Mr. Quill.

H. Res. 19. Resolution appropriating the sum of $300.00 to pay for sound equipment.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying to William H. Ryan the sum of Three Hundred Dollars ($300.00) as full rental for the sound equipment being used in the House of Representatives during the 1944 Regular Session of the General Assembly, the Director of Finance is directed to certify the payment of said sum at the conclusion of the Regular Session, and the State Treasurer is directed, on the receipt of the voucher from the Director of Finance, to pay the sum of Three Hundred Dollars ($300.00) to William H. Ryan.

Ordered that said bills and resolutions be printed and referred.

Mr. Quill moved that the House do now adjourn to meet again on Tomorrow at one o'clock P.M.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 13, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Charles W. Grant of the Methodist Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

F. H. Bassett, Jr.	Franklin Goins	Ed Marcum
W. G. Biggers	J. D. Gross	Johnston Miller
Isaac Blevins	Jas. P. Hallahan	Harry L. Moore
Douglas T. Bolling	Claude Hammons	Herbert V. Moore
J. C. Bradley	B. C. Holbrook	L. D. Moore
Jno. W. Burkhart	Benton Howard	W. B. Moser
Chas. W. Burnley	Clyde S. Howard	C. Sid Nabb
C. D. Call	Jerry F. Howell	Coy C. Nevitt
Fred Carpenter	J. J. Huff	Joe E. Nunn
Willis Champion	W. N. Hughes	H. C. Patterson
Jno. H. Clarke, Jr.	W. H. Hunt	Chester Peterson
A. Roy Copeland	Lee Johnson	Albert W. Pfeiffer
Marvin Cornett	Paul S. Jonas	Sylvester Phillips
John Henry Cox	Wm. E. Justice	James T. Philpott
John P. Craig	H. Clay Kauffman	J. Gip Prather
Fred Creasey	M. Kavanaugh	L. W. Preston
Thos. S. Dawson	G. M. Knuckles	James E. Quill
J. R. Dorman	J. T. Linton	C. R. Reeves
T. H. Dyer	Homer E. Losey	L. Allen Rhoads
Bernie S. Edlin	A. L. Love	Wade H. Riley
Chas. B. Gentry	Pearl McKinney	H. G. Royalty

Amos Runyon	E. A. Spencer	Otis C. Thomas
Carl Scheben	Arthur Stallard	E. B. Thompson
F. W. Schuhmann	Geo. W. Steinford	John L. Trumbo
Vernon Seaton	Joe Stewart	S. J. Wagner
Leon J. Shaikun	Thos. M. Swope	Harry F. Walters
Faust Y. Simpson	C. W. Taylor	H. L. Waterfield
George T. Smith	Egbert V. Taylor	R. E. West
Robt. J. Spaulding	Roy L. Taylor	Taylor Witt

Mr. Simpson moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that when the House adjourn today, it adjourn to meet again on tomorrow at nine o'clock A.M.

Mr. Shaikun moved that when the House adjourn today, it adjourn to meet again on Monday, January 17th at seven-thirty o'clock P.M.

Said last named motion was agreed to.

Mr. Copeland moved that the privilege of the floor be extended to Mr. L. B. Alexander of Paducah, Kentucky.

Said motion was agreed to.

Mr. C. W. Taylor moved that the privilege of the floor be extended to Messrs. Paul Dexheimer, George Crenshaw, McTyre of the O. P. A. and Crawford of the O. D. T.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced as follows, viz.:

H. B. 47—Agriculture No. 1.
H. B. 48—Roads and Highways No. 2.
H. B. 49—Ways and Means.
H. B. 50—Const., Amendments.
H. B. 51—Revenue and Taxation.
H. B. 52—Code of Practice.
H. B. 53—Code of Practice.
H. B. 54—Code of Practice.
H. B. 55—Kentucky Statutes.
H. B. 56—Kentucky Statutes.
H. B. 57—Cities of 2nd Class.
H. B. 58—Cities of 2nd Class.
H. B. 59—Criminal Law.
H. B. 60—Code of Practice.
H. Res. 18—Claims.
H. Res. 19—Appropriations.

The House took up for consideration from the Calendar, bills and a resolution of the following titles, viz.:

H. Res. 13. Joint Resolution for the purchase of five hundred and fifty copies of the Kentucky Directory and appropriating $1,100.00 to purchase same.

H. B. 31. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made for such fiscal year.

H. B. 9. An Act appropriating money out of the General Fund for the purpose of supplementing the salaries of teachers in common schools.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 2. An Act relating to holidays.

H. B. 15. An Act repealing Section 176.030, Kentucky Revised Statutes.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 5. Resolution providing an allowance for postage, telephone, stationery, supplies and stenographic work to each member of the present General Assembly.

Said resolution is as follows, viz.:

WHEREAS the proper representation of the citizens of this Commonwealth requires that the members of the General Assembly keep in constant touch with the citizens of the districts which such members represent, by correspondence and by telephone, and

WHEREAS no provision has heretofore been made to enable members of the General Assembly to convey messages by telephone and by correspondence to the citizens whom they represent or to make adequate inquiry of such citizens as to their desires with regard to proposed legislation, and

WHEREAS to make the funds available for such purpose will enable the performance of a public service which has not previously been performed, NOW THEREFORE

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each member of the present General Assembly shall be entitled to the sum of three hundred dollars, and the Lieutenant Governor shall be entitled to the sum of five hundred dollars, as an allowance for postage, telephone, stationery, supplies and stenographic work. Such allowances shall be paid at the beginning of the session, and shall be in lieu of the allowance made by KRS 6.220.

§ 2. Such allowances shall be paid by the State Treasury out of the General Funds, upon warrant of the Department of Finance issued on the requisition of the Clerks of the respective Houses.

WHEREAS it is necessary that the allowances provided for by this resolution be made forthwith in order to properly expedite the business of the present General Assembly, an emergency is declared to exist and this resolution shall be effective from and after its passage and approval by the Governor.

Mr. Creasy offered the following amendment to said resolution, viz.:

Amend H. Res. 5 on page 2, section 1, line 2 after the words "Lieutenant Governor" by inserting the words "and Speaker of the House."

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and

the same having been engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Chas. W. Anderson	Jerry F. Howell	L. Allen Rhoads
F. H. Bassett, Jr.	J. J. Huff	Wade H. Riley
W. G. Biggers	W. N. Hughes	H. G. Royalty
Isaac Blevins	W. H. Hunt	Carl Scheben
Douglas T. Bolling	Lee Johnson	F. W. Schuhmann
J. C. Bradley	Paul S. Jonas	Vernon Seaton
Jno. W. Burkhart	Wm. E. Justice	Leon J. Shaikun
Chas. W. Burnley	H. Clay Kauffman	Jno. W. Simmons
C. D. Call	M. Kavanaugh	Faust Y. Simpson
Fred Carpenter	G. M. Knuckles	George T. Smith
Willis Champion	J. T. Linton	Robt. J. Spaulding
A. Roy Copeland	Pearl McKinney	E. A. Spencer
Marvin Cornett	Ed Marcum	Arthur Stallard
John Henry Cox	Johnston Miller	Geo. W. Steinford
John P. Craig	Harry L. Moore	Thos. M. Swope
Fred Creasey	Herbert V. Moore	C. W. Taylor
Thos. S. Dawson	L. D. Moore	Egbert V. Taylor
Adron Doran	W. B. Moser	Roy L. Taylor
T. H. Dyer	C. Sid Nabb	Otis C. Thomas
Bernie S. Edlin	Joe E. Nunn	E. B. Thompson
Harry W. Ennis	H. C. Patterson	John L. Trumbo
Chas. B. Gentry	Chester Peterson	S. J. Wagner
Jas. P. Hallahan	Albert W. Pfeiffer	Harry F. Walters
Claude Hammons	Sylvester Phillips	Taylor Witt
B. C. Holbrook	James E. Quill	
Benton Howard	C. R. Reeves	—76

Those who voted in the negative were—

Jno. H. Clarke, Jr.	A. L. Love	Amos Runyon
J. D. Gross	Coy C. Nevitt	Joe Stewart
Homer E. Losey	L. W. Preston	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Simpson moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon Mr. Simpson of the Committee on Kentucky Statutes to which the same had been referred, reported a bill entitled:

H. B. 8. An Act relating to the operation of school buses and other motor vehicles.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The Speaker announced the following Committee of the House of Representatives, viz.:

LEGISLATIVE RESEARCH AND INVESTIGATION

HARRY LEE WATERFIELD, Chairman

Charles Burnley	Franklin Goins
Adron Doran	John H. Clarke, Jr.
Faust Y. Simpson	James E. Quill
John Henry Cox	Claude L. Hammons
Leonard W. Preston	Egbert V. Taylor
Johnston Miller	E. B. Thompson
S. F. Wagner	Harry L. Moore

Thomas S. Dawson

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Preston.

H. B. 61. An Act amending the Constitution of the Commonwealth of Kentucky by creating a new section relating to the qualifications of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is amended by creating a new section thereof, to be numbered Section 145a, and to read as follows:

Every citizen of the United States of the age of eighteen years, who is otherwise a qualified voter under Section 145 of this Constitution, and who is in active service in the military, naval or marine service of the United States, shall be entitled to vote in the precinct in which he has established a legal residence, during the time he remains in such service, whether or not the United States is at the time engaged in a war with foreign powers.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection in the manner provided by Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

By Mr. Howard.

H. B. 62. An Act relating to the classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 81.010 of the Kentucky Revised Statutes is amended to read as follows:

Cities are classified as follows:

(1) First class:

Louisville, Jefferson County

(2) Second class:

Ashland, Boyd County
Covington, Kenton County
Lexington, Fayette County
Newport, Campbell County
Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County
Corbin, Whitley and Knox Counties
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County
Maysville, Mason County
Middlesboro, Bell County
Owensboro, Daviess County

(4) Fourth class:

Barbourville, Knox County
Bellevue, Campbell County
Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Clifton, Campbell County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County

Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County
Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County

Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Winchester, Clark County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County
Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County

Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County
Hawesville, Hancock County
Hellier, Pike County
Horse Cave, Hart County
Hustonville, Lincoln County
La Grange, Oldham County
Lancaster, Garrard County
Leitchfield, Grayson County
Livermore, McLean County
London, Laurel County
Louisa, Lawrence County
Manchester, Clay County
Midway, Woodford County
Millersburg, Bourbon County
Monticello, Wayne County
Morehead, Rowan County
Morton's Gap, Hopkins County
Neon, Letcher County
Nortonsville, Hopkins County
Owenton, Owen County
Owingsville, Bath County
Park Hills, Kenton County
Perryville, Boyle County
Raceland, Greenup County
Ravenna, Estill County
Salyersville, Magoffin County
Sebree, Webster County
Shively, Jefferson County
Southgate, Campbell County
Springfield, Washington County

Stanford, Lincoln County
Tompkinsville, Monroe County
Uniontown, Union County
Vanceburg, Lewis County
Vine Grove, Hardin County
Warsaw, Gallatin County
Whitesburg, Letcher County
Wickliffe, Ballard County
Wilmore, Jessamine County
Williamsburg, Whitley County
Williamstown, Grant County

(6) All other incorporated cities belong to the sixth class.
By Mr. Howard.

H. B. 63. An Act to amend the Constitution of the Commonwealth of Kentucky to change the time for the election of public officers etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by changing and fixing the times for the election of officers and the times for the meetings of the General Assembly, through the enactment of the following new section:

(1) The times for the election of members of the General Assembly and state, county, district and municipal officers hereinafter named are fixed as follows: Members of the House of Representatives at the general election in 1947 for a term of one year and thereafter at the general election in 1948 and every two years thereafter; Members of the Senate from even-numbered districts at the general election in 1949 for a term of three years and thereafter at the general

election in 1952 and every four years thereafter; Members of the senate from odd-numbered districts at the general election in 1947 for a term of three years and thereafter at the general election in 1950 and every four years thereafter; Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Attorney-General, Secretary of State, Superintendent of Public Instruction, Commissioner of Agriculture, Labor and Statistics, Clerk of the Court of Appeals, and Railroad Commissioners at the general election in 1947 for terms of three years each and thereafter at the general election in 1950 and every four years thereafter; Circuit Judges, Commonwealth's Attorneys and Clerks of the Circuit Courts at the general election in 1952 and every six years thereafter; Judges of the County Courts, County Court Clerks, County Attorneys, Sheriffs, Jailers, County Commissioners, Surveyors, Assessors (or Tax Commissioners), Coroners and Justices of the Peace at the general election in 1949 for a term of three years each, and thereafter at the general election in 1952 and every four years thereafter. All officers elected by voters of the cities or towns of this Commonwealth shall be elected in such years as the General Assembly may provide.

(2) There shall be no election of Circuit Judges, Commonwealth's Attorneys, and Circuit Court Clerks in the year 1951 but the officers then in office shall serve until the first Monday in January, 1953.

(3) Because of the change in the dates of the election of members of the General Assembly herein provided for, the General Assembly shall meet on the first Tuesday after the first Monday in January, 1948, and on the same day in 1949, and thereafter on the same day in every second year.

§ 2. This amendment shall be submitted to the voters of the state for their ratification or rejection at the time and in the manner provided under sections 256 and 257 of

the Constitution and Section 118.430 of the Kentucky Revised Statutes.

By Mr. Philpot.

H. B. 64. An Act relating to public utility companies service bills.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No public utility engaged in the business of supplying gas, water or electricity to the public in this state shall impose any penalty for non-payment of service bills until thirty days after issual and deposit of such bills in the mails properly addressed and stamped, or their actual delivery to the customer. No penalty for non-payment of such service bills of more than six per cent (6%) of the total bill shall be imposed. No trick, device or subterfuge in the way of pretended discounts for prompt payment shall be permitted to evade the provisions of this section.

§ 2. Any public utility violating the provisions of section one of this Act shall be fined ten dollars for each service bill so collected.

By Messrs. Smith and Scheben.

H. B. 65. An Act to amend subsec. 2 of sec. 199.990 of the Kentucky Revised Statutes so as to increase the penalty for violating Sec. 199.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 199.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) (a) Except as provided in paragraph (b) of this subsection, any person who violates KRS 199.320 shall be fined not more than five hundred dollars or imprisoned in the county jail or workhouse not more than twelve months, or both;

(b) Instead of the penalty imposed by paragraph (a) of this subsection, the court may suspend the sentence and release the defendant on probation for one year upon his recognizance, with or without sureties in such sum as the court directs. The recognizance shall provide that the defendant shall make his personal appearance in court whenever ordered to do so, and shall provide and care for the child as directed by the court, and shall further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void;

(c) County courts shall have exclusive jurisdiction of all prosecutions under KRS 199.320, and if the jury finds against the defendant, their verdict shall so state, and the court shall fix the punishment.

By Mr. Waterfield.

H. B. 66. An Act relating to the Department of Law; authorizing the Attorney General, with the approval of the Railroad Commission to appoint an Assistant Attorney General etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) The Attorney General in addition to the Assistant Attorneys General now allowed by law, shall, with the approval of the Railroad Commission of Kentucky, appoint an Assistant Attorney General for the Railroad Commission who shall serve for the term of the Attorney General making the appointment, unless sooner removed by him. He shall be at least thirty (30) years of age, and shall be a licensed, practicing attorney of this State, and with eight (8) years of experience in the practice of law, and shall be an attorney also licensed to practice before the Interstate Commerce Commission, with at least four (4) years of experience in practicing before that Commission.

(2) He shall give all necessary time to the business connected with the Railroad Commission; shall represent that Commission and the Commonwealth of Kentucky in all rate litigation and hearings, advise the said Commission and its members, officers or employees, when requested, under the authority of the Attorney General. The Assistant Attorney General shall, under the authority of the Attorney General, perform other duties connected with the office of the Attorney General when his time is not required by the Railroad Commission.

(3) The Assistant Attorney General shall receive a salary fixed by the Railroad Commission, with the approval of the Attorney General, in a sum not to exceed Four Thousand Five Hundred Dollars ($4,500.00) per annum. His salary and necessary expenses shall be paid by the Railroad Commission out of its appropriation, in monthly installments. He shall be entitled to the services of a stenographer at a salary of not to exceed Two Thousand one Hundred Dollars ($2,100.00) per annum, to be determined by the Commission, with the approval of the Attorney General.

§ 2. For the purpose of paying the compensation of the Assistant Attorney General and stenographer, and expenses provided for in this Act, there is appropriated to the Railroad Commission out of the General Expenditure Fund for each of the fiscal years 1944-1945, and 1945-1946, the sum of Seven Thousand Dollars ($7,000.00), this to be in addition to any other appropriation made to the Railroad Commission of Kentucky for such years.

§ 3. WHEREAS, it is now impossible for the Attorney General's Office with its present number of Assistants to investigate, advise, prepare pleadings, attend hearings, prepare briefs, and participate in oral arguments that are now pending before the Interstate Commerce Commission, in which hearings and litigation the Railroad Commission and the shippers and rail carriers of Kentucky are interested, and demand immediate attention, an emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly, and signed by the Governor.

By Mr. Scheben.

H. B. 67. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The county board of election commissioners of any county may, for any election to be held in the county, extend the hours of voting for any additional period up to 7 p. m. If the hours of voting are so extended, the county board of election commissioners shall give notice through the newspapers having general circulation in the county, and shall instruct the election officers to keep the polls open for the extended time.

By Mr. Hammons.

H. B. 68. An Act relating to the time and method of paying wages to employees of corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 337.020 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation for pecuniary profit doing business in this state shall, as often as semimonthly, pay to each of its employees all wages or salary earned by him to a day not more than eighteen days prior to the date of that payment. Such corporation shall show on the check, draft or other voucher in payment of said wages or salary, or separately furnish the employe at least once a month a statement showing specifically the nature of any deduction made from his wages or salary and the total amount thereof for the period. Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon six days' demand. Any employe who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three days' demand. No corporation subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such corporation for the full amount of his wages due on each regular pay day.

§ 2. Subsection (1) of Section 337.990 of the Kentucky Revised Statutes, providing a penalty for the violation of KRS 337.020, is repealed.

By Mr. Riley.

H. B. 69. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his possession any wild birds except during the open season for a particular species, except such persons as have obtained a permit from the director for a game refuge or for the propagation of game. The open season for quail or bob white shall be November 16 to January 20. There shall be no open season for ruffed grouse, wild turkey, ring-neck pheasant and Hungarian partridge. No person shall take quail except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt so to do, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it. No person over sixteen years of age shall hunt any wild ducks, geese or brant unless at the time, in addition to the appropriate state hunting license, he has on his person a valid migratory bird hunting stamp or current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

§ 2. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, in one day, take more wild birds for which there is open season, than the bag limit for the species as set out herein:

Quail 8
Doves .....Federal Regulations apply
Ducks .....Federal Regulations apply
Geese .....Federal Regulations apply
Coots and Gallinule .....Federal Regulations apply
Wood Cock .....Federal Regulations apply
Snipe .....Federal Regulations apply.

By Mr. Riley.

H. B. 70. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 136.230, 136.240, 136.250 and 136.260 and subsection (7) of KRS 136.990 are repealed.

By Mr. Riley.

H. B. 71. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. No person shall have in possession any wild animal or freshly skinned hide or fur thereof unless it was taken during the open season for the particular species. The open season for mink, opossum, raccoon, skunk, rabbit, and muskrat shall be November 24 to January 9; for squirrel, August

15 to October 31; and pond, bull or jumbo frogs, June 15 to April 15. There shall be no open season for otter and beaver. Opossum and raccoon may also be hunted and taken by dog only from November 1 to February 1, inclusive. There shall be no closed season on red fox.

(2) The possession of any wild animals, fur bearers, or the freshly skinned hide or fur thereof, when the season is not open shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to the possession of any skunk, muskrat, or mink, or freshly skinned hide or fur thereof, between January 9 and February 15, nor to the possession of any raccoon or opossum, or freshly skinned hide or fur thereof between February 1 and February 15.

By Mr. Justice.

H. B. 72. An Act relating to certification of teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of subsection (3) of KRS 161.060, any person with a minimum of twenty years' teaching experience and two years' of college work shall be entitled to a standard elementary certificate valid for life, upon the following conditions:

(1) Application for the certificate shall be made by June 30, 1946.

(2) The applicant shall present with his application for certificate the written recommendation of the superintendent of any district where applicant has taught.

By Mr. Seaton.

H. B. 73. An Act creating the Kentucky Geological Survey and defining its functions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Geological Survey is hereby created and established with a single administrative officer, who is designated as Director and State Geologist.

(2) The office of said survey shall be located on the campus of the University of Kentucky in quarters furnished by the University. The geological collections, records, maps, reports and accumulated property and equipment of the former Kentucky Geological Surveys, excepting the collections of the State Museum, are to be kept and maintained at the offices set aside for the Survey at Lexington, and the money necessary for their maintenance and for the maintenance of said Survey shall be provided for from appropriations made to the Survey.

Section 2. The Governor shall appoint a technically trained geologist as Director and State Geologist. He shall have a thorough, scientific and practical knowledge of the sciences of geology, mineralogy, hydrography and allied subjects. He shall be a graduate in geology from a recognized University, and shall be possessed of at least ten years' experience in the field of geology, of which at least three years shall have have been spent in the subject of geological problems in the state of Kentucky. He shall hold office for a term of four years unless removed by the Governor.

Section 3. It shall be the duty of the Director and State Geologist to give his entire attention to the administration

of the affairs of the Kentucky Geological Survey; to visit any and all parts of the state so as to make himself familiar with the needs of each section; to supervise, outline and edit the work of his assistants; to advance the interests of Kentucky by presenting in person, or otherwise, before national geological meetings authoriative statements of the geological and mineral resources of the state; to undertake such field work as his time will permit, and perform such other duties as may properly pertain to his office. He shall have the supervision of the entire work of the Survey, and shall be responsible for the accuracy of same. He shall make a report biennially to the Governor, at the convening of the General Assembly, covering the activities accomplished by and proposed for the Kentucky Geological Survey. Under the direction and control of the Director and State Geologist, the corps of the Survey shall proceed to make careful geological, mineralogical, chemical, water, physical and soil surveys of the State; enter upon record an accurate statement of the extent of water power and water courses; locate coal, oil, metalliferous deposits, clays, ores, building stones, etc.; report characteristics and compositions of soils and minerals; collect, analyze, classify and label specimens of rocks, fossils, ores, coals, oils, gasses, minerals, soils and other natural resources of the state; and cause specimens of the above named exhibits of the state to be correctly labeled and preserved in the office of the Survey in Lexington.

Section 4. The Director and State Geologist is authorized to employ competent assistant geologists, paleontalogists, topographers, surveyors, specialists and such stenographic and clerical assistants as may be required for the proper conduct of the affairs of the Survey. All traveling and field expenses of the Director and his assistants shall be paid out of funds appropriated for the Survey.

Section 5. The Director and State Geologist may enter into co-operative arrangements for geological, topographic,

soil and such other surveys as are properly within the scope of the Kentucky Geological Survey, with the Agricultural Experiment Station of the University of Kentucky, the United States Geological Survey, the United States Department of Agriculture, or other organizations or governmental departments; provided that in each case agreed upon the said organization or department shall furnish an amount of money equal to that allotted for such work by this Survey; and provided further, that such co-operative agreements shall be made and carried out so that in all things they will prove advantageous to the State of Kentucky.

Section 6. The salary of the Director and State Geologist shall be Four Thousand Two Hundred Dollars ($4,200.00) per annum, payable monthly as other salaries of state officers are paid.

Section 7. (1) The reports of the Survey shall be prepared as rapidly as possible and shall be reviewed, edited and approved by the Director, who shall requisition the printing of same through the Commissioner of Finance.

(2) The Director is authorized to publish in newspapers, trade journals, geological magazines or in pamphlet form any geological discoveries or results of special interest.

(3) Reports and maps prepared by the Survey shall be issued, but a charge shall be made sufficient to cover postage and printing.

(4) Analyses of any minerals or cores may be made by or under the supervision of the Director and State Geologist for any citizen of this state, upon payment in advance of a sufficient sum to cover the cost of the analysis.

(5) All moneys received from the issuance of reports and maps and the making of analyses shall be kept apart and reused for the same purposes by the Survey.

Section 8. For the purpose of carrying into effect the provisions of this Act, any appropriation made to the Division of Geology in the Department of Mines and Minerals by the present session of the General Assembly, and any unencumbered balance of appropriations to such Division of Geology for the fiscal year 1943-1944, shall be transferred to and become available to the Kentucky Geological Survey established by this Act.

Section 9. Sections 351.200, 351.210, 351.220 and 351.230 of the Kentucky Revised Statutes of 1942, and any and all inconsistent acts, are hereby repealed.

Section 10. Whereas there is early need of discoveries and development of the natural resources of the state for purposes of carrying on the present war, and the present provisions of the Statutes seem to be inadequate, an emergency is hereby declared to exist, and this Act shall become effective on its passage and approval by the Governor.

By Mr. Kaufman.

H. B. 74. An Act relating to licenses for operators of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.410 of the Kentucky Revised Statutes is amended to read as follows:

Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost $1.25, of which twenty-five cents shall be retained by the circuit court clerk as compensation for his

services in indexing the records of operators' licenses issued in his county as provided in KRS 186.495, and of which fifteen cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640. Five cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and expenses of administering KRS 186.400 to 186.640, and the remaining eighty cents and other monies not otherwise distributed, derived from the provisions of KRS 186.400 to 186.640, shall be paid into the State Treasury.

§ 2. A new section of the statutes is created, to be numbered KRS 186.495, and to read as follows:

The circuit clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses have been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of each of such persons. Such index shall at all times be available for inspection by the State Highway Patrol and other officers charged with the duty of enforcing highway laws.

By Mr. Creasey and Mr. Cox.

H. B. 75. An Act amending Sec. 42.140 Kentucky Revised Statutes, relating to State employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 42.140, Kentucky Revised Statutes, be and the same hereby is amended by repealing said section in its entirety and re-enacting it so that, as re-enacted, it shall read as follows, to-wit:

Except as hereinafter in this Act provided, the appointing officer of each State agency may remove any subordinate

officer or employee under his jurisdiction and upon so doing, he shall forthwith notify the Division of Personnel Efficiency. If a subordinate officer or employee so removed requests it in writing, the officer who removed him shall file with the Division a statement, stating the reasons for his removal, which statement shall be open to public inspection.

No Department, agency, division, independent agency, or the Head thereof, without the written consent of the employee, shall remove, discharge, transfer, or reduce the compensation of any employee under his jurisdiction, if such employee be the wife or mother of a person serving in the United States Army or United States Navy, or in any branch of the Armed Services of the United States of America; nor shall any such person be removed, discharged, transferred, or their compensation reduced until twelve (12) months after such son, daughter, or husband, as the case may be, shall have been discharged from the United States Army, United States Navy, or other Armed Services of the United States of America, except for

(a) gross inefficiency;

(b) gross and willful neglect or failure to perform the duties of her employment; or

(c) indictment and conviction on a charge involving moral turpitude.

Any person violating the provisions of This Act shall be guilty of a felony; and upon indictment and conviction thereof shall be subject to a fine, in the discretion of the jury, or imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years, or both so fined and imprisoned, in the discretion of the jury.

Any employee who is discharged, removed, transferred or whose compensation is reduced shall have the right to appeal to the Circuit Court of the County in which the employee

resides or to the Circuit Court of the county in which the duties of the employment were being performed, to have determined the sufficiency of the grounds for such discharge, removal, transfer, or reduction in compensation; and each such appeal shall have precedence over all other cases in such Court; and the sufficiency of the charges or grounds for discharge, removal, transfer, or reduction in compensation shall be determined de novo on such appeal in the Circuit Court, and the appellant shall have the right to a determination thereof by a jury. Either party shall have the right to appeal from the judgement of the Circuit Court to the Court of Appeals, in the same manner as other appeals are prosecuted to the Court of Appeals in civil cases, except that the right of appeal shall not be limited by the amount of compensation involved.

The terms "Department," "Agency," "division," "employee," and "independent agency," as used in this Act, shall be construed as defined by Section 12.010, Kentucky Revised Statutes.

WHEREAS, the United States of America is now engaged in the greatest military conflict in the history of the World; and

WHEREAS, large numbers of Kentucky boys and girls are now serving in the United States Army and Navy, and other military forces of the United States of America, both in training in this Country and on foreign battlefields; and

WHEREAS, they are risking their lives for their Country; and

WHEREAS, many of them have wives and mothers who have passed the Personnel Examination required by law for State employment and are now employed in the various branches of State service in the Government of Kentucky; and

WHEREAS, the Kentuckians who are so serving their Country in the Armed Forces of the United States are entitled to be relieved of anxiety about the financial support of their wives and mothers now employed in the various Departments and agencies of the State Government of Kentucky; and

WHEREAS, the number of employees within the aforesaid classification is relatively small when compared to the total number of State employees; and

WHEREAS, it is the judgment of the General Assembly that such employees should be made secure in their positions by law, and there is now no law providing such security; and

WHEREAS, the security provided by this Act will relieve many now in the Armed Services of anxiety and worry about the security of their wives and mothers who now have State employment in Kentucky,

NOW, THEREFORE, an emergency hereby is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Biggers.

H. B. 76. An Act to amend Sec. 122.030 of the Kentucky Revised Statutes relating to procedure in contests of primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 122.030 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Each party to a contest instituted under KRS 122.020 shall be entitled, in the production of evidence to be used on the trial thereof, to all the remedies allowed in cases at law and in equity. In trying the contest the court shall hear and determine all questions of law and fact without the intervention of a jury, and may examine the witnesses orally or require or permit the parties to take the evidence by depositions. If the evidence is taken orally either party may require it to be taken by the official reporter for the court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issue joined, to complete his proof in not less than ten days after the issues have been completed herein, and the contestee or the person not having the burden to complete his proof in not less than ten days thereafter, and each party may be given one day additional for producing evidence in rebuttal and no greater time shall be extended unless the court be satisfied that the ends of justice demand it.

The court shall, immediately after the evidence is concluded, consider the contest and determine it. If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery, or violence in the conduct of the election that neither contestant nor contestee can be adjudged to have been fairly nominated, the court may adjudge that there has been no election, in which event the nomination shall be deemed vacant. The judgment of the court shall be filed in the office of the circuit court clerk, and shall have the same force and effect as a judgment rendered by the court in term time.

By Mr. Biggers.

H. B. 77. An Act to amend Sec. 122.080 of the Kentucky Revised Statutes, relating to procedure in contests of general elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 122.080 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Contest instituted under KRS 122.070 shall proceed as equity actions. The evidence in chief for the contestant shall be completed within thirty days after the issues are made up, the evidence of the contestee shall be completed within twenty days thereafter, and the evidence for contestant in rebuttal in fifteen days after contestee has concluded. For good cause shown, the court may extend the time for taking proof as herein limited, and may allow the contestee time not to exceed five days for introduction of surrebuttal evidence. The action shall have precedence on the trial docket over all other cases. All ballots, stub books and other papers concerning which there is ground for contest may be removed to the court in which the action is pending. If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be adjudged to have been fairly elected, the circuit court, or the Court of Appeals on appeal, may adjudge that there has been no election. In that event the office shall be deemed vacant, with the same legal effect as if the person elected had refused to qualify. If one of the parties is adjudged by the courts to be elected to the office, he shall, on production of a copy of the final judgment, be permitted to qualify or be commissioned.

By Mr. Simpson.

H. B. 78. An Act granting and confirming in the Court of Appeals and other Courts power to regulate pleading, practice and procedure in the courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Court of Appeals may make and promulgate rules regulating pleading, practice and procedure in all courts so far as the rules do not abridge, enlarge, or modify the substantial rights of any litigant.

Section 2. The Court of Appeals shall appoint an advisory committee of practicing lawyers and Circuit Judges of this State, which committee shall recommend the rules to be made and promulgated by the Court.

Section 3. Such rules shall not take effect until 90 days after they shall have been adopted by the Court of Appeals.

Section 4. All statutes now existing that relate to pleading, practice and procedure in the courts, and that do not affect the substantive rights of litigants, shall from and after the passage of this Act have force and effect only as rules of court, and shall remain in force until modified or rescinded by rules made and promulgated as herein provided.

Section 5. Circuit Courts may formulate rules for the conduct of their own business, supplementary to, and not conflicting with the rules made by the Court of Appeals or with any statute; but the rules shall not become effective until approved by the Court of Appeals.

By Mr. Walters.

H. B. 79. An Act relating to Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 299.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) Twenty-five or more persons residing in any one or more adjoining municipalities, or in any county, or in not more than ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more, may organize a company for the purpose of cooperative or assessment insurance against loss or damage of property by fire, wind or lightning, or the explosion of natural or artificial gas, or hail, or explosion, or riot, or riot attending a strike, or aircraft, or smoke, or vehicles, by making and acknowledging a certificate setting forth their intention to form such a company, the counties or municipalities in which it intends to do business, its corporate name, and the place where its principal office is to be located. Every person insured in such a company who signs an application for insurance as required by the certificate of incorporation or the by-laws of the company shall thereby become a member.

(2) No money shall be collected by any person on behalf of the company until two of the members or organizers have given joint bond to the director in the sum of ten thousand dollars, conditioned that all money so collected will be used as directed by law, and that the affairs of the company will be conducted according to law. The bond shall be held by the director for the benefit of the members of the company until the company has become legally incorporated and its affairs have been examined by an expert accountant, appointed by the director, and found to be in due and regular form, and immediately thereafter the bond shall be cancelled.

(3) No company shall be formed under KRS 299.310 to 299.470 for the purpose of transacting any business of insurance other than as prescribed in those sections, and no company shall insure against any loss other than the ones permitted by those sections. Any company heretofore organ-

ized or operating under these sections may issue and grant insurance against any or all the hazards named herein.

§ 2. Section 299.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any company may collect such membership fees or policy fees as are provided for in its by-laws, and any portion of the fees not expended for agents' commissions and the expenses of writing insurance shall be placed in the reserve fund of the company.

(2) The directors or executive committee of the company may declare, levy and issue assessments in such amounts and at such times as in their judgment is for the best interests of the company. When the reserve fund equals one and one-half percent of the insurance in force against fire, and two and one-half percent of the insurance in force against windstorm, and one-half of one percent of the insurance in force against any other hazard, then no assessment shall be made for a greater sum than the amount of losses and expenses sustained and accrued since the last previous assessment was issued. All assessments shall be made pro rata upon all property at such time insured, according to its classification.

(3) If at any time the total liabilities of a company exceed its actual cash assets to an amount equal to fifty cents for each one hundred dollars of insurance held by the company, the secretary shall notify the officer whose duty it is to call a meeting of the directors or executive committee, and that officer shall immediately call the directors or executive committee in session. The directors or executive committee shall, within thirty days, declare, levy and issue an assessment sufficient to pay all the liabilities of the company that are in excess of its actual cash assets.

§ 3. Subsection (4) of section 299.010 of the Kentucky Revised Statutes is amended to read as follows:

(4) "Company," as used in KRS 299.310 to 299.470, means any corporation organized under KRS 299.310 and 299.420 for the purpose of transacting, and any company heretofore organized under any similar law of this state or under the general corporation laws of this state that is transacting, the business of insurance against loss or damage of property by fire, wind or lightning, or by the explosion of natural or artificial gas, or hail, or explosion, or riot, attending a strike, or aircraft, or smoke, or vehicles, upon the cooperative or assessment plan.

By Mr. Biggers.

H. Res. 20. A Joint Resolution authorizing E. B. Chitwood to sue the Commonwealth.

Said Resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That E. B. Chitwood be and he is empowered and authorized to sue the Commonwealth of Kentucky, and the Department of Highways, or either in the Floyd Circuit Court for damages resulting from injury to a Chevrolet pick-up truck, 1937 model, on October 30th, 1942, in Floyd County, Kentucky caused by the alleged negligence on the part of the Department of Highways and or Shelly Woods, an employe of the Commonwealth of Kentucky, and Department of Highways, on said day and while said employe was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of five hundred dollars, ($500.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 17, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	W. G. Biggers	Douglas T. Bolling
F. H. Bassett, Jr.	Isaac Blevins	J. C. Bradley

Jno. W. Burkhart	Paul S. Jonas	C. R. Reeves
Chas. W. Burnley	Wm. E. Justice	L. Allen Rhoads
C. D. Call	H. Clay Kauffman	H. G. Royalty
Fred Carpenter	M. Kavanaugh	Amos Runyon
Willis Champion	G. M. Knuckles	Carl Scheben
Jno. H. Clarke, Jr.	J. T. Linton	F. W. Schuhmann
A. Roy Copeland	Homer E. Losey	Vernon Seaton
Marvin Cornett	A. L. Love	Leon J. Shaikun
John Henry Cox	Pearl McKinney	Jno. W. Simmons
John P. Craig	Ed Marcum	Faust Y. Simpson
Fred Creasey	C. C. May	George T. Smith
Thos. S. Dawson	Johnston Miller	Robt. J. Spaulding
Adron Doran	Harry L. Moore	E. A. Spencer
J. R. Dorman	Herbert V. Moore	Arthur Stallard
T. H. Dyer	J. Lee Moore	Geo. W. Steinford
Bernie S. Edlin	L. D. Moore	Joe Stewart
Harry W. Ennis	W. B. Moser	Thos. M. Swope
Dr. J. C. Gabbard	C. Sid Nabb	C. W. Taylor
Franklin Goins	Coy C. Nevitt	Egbert V. Taylor
J. D. Gross	Jno. C. Newcomb	Roy L. Taylor
R. M. Hall	Joe E. Nunn	H. Thieman, Jr.
Jas. P. Hallahan	H. C. Patterson	Otis C. Thomas
Claude Hammons	Chester Peterson	E. B. Thompson
B. C. Holbrook	Albert W. Pfeiffer	John L. Trumbo
Benton Howard	Sylvester Phillips	S. J. Wagner
Clyde S. Howard	James T. Philpott	Harry F. Walters
Jerry F. Howell	J. Gip Prather	H. L. Waterfield
J. J. Huff	L. W. Preston	R. E. West
W. N. Hughes	Edw. P. Prichard	Taylor Witt
Lee Johnson	James E. Quill	—95

Mr. Simpson moved that the reading of the Journal of Thursday's proceedings be dispensed with.

Said motion was agreed to.

The House took up for consideration from the Calendar, a bill entitled:

H. B. 8. An Act relating to school buses and other motor vehicles.

The Constitutional provision as to the second reading of said bill at length having been dispensed with, said bill was read the second time by its title only.

Ordered that said bill be placed in the Orders of the Day.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. R. 20. Claims
H. B. 61. Constitutional Amendments
H. B. 62. Ky. Statutes
H. B. 63. Constitutional Amendments
H. B. 64. Public Utilities
H. B. 65. Criminal Law
H. B. 66. Ky. Statutes
H. B. 67. Suffrage & Elections
H. B. 68. Trade & Commerce
H. B. 69. Game & Fish
H. B. 70. Rev. & Taxation
H. B. 71. Game & Fish
H. B. 72. Education No. 1
H. B. 73. Mines & Minerals
H. B. 74. Ky. Statutes
H. B. 75. Ky. Statutes
H. B. 76. Suffrage & Elections
H. B. 77. Suffrage & Elections
H. B. 78. Code of Practice
H. B. 79. Ins. (Fire & Marine)

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 9. An Act relating to education.

Mr. Marcum moved that said bill be made a Special Order of the Day for Tuesday, January 18 at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 31. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made by the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Fund for the fiscal year ending June 30, 1944, to the Statute Revision Commission, to supplement an appropriation made by the 1942 General Assembly, the sum of $17,000.

§ 2. Whereas, the cost of publishing volumes of Notes and Annotations to the Kentucky Revised Statutes has exceeded the estimate upon which appropriations for the fiscal year ending June 30, 1944, were made, and whereas the immediate completion and publication of such volumes will result in bringing into the State Treasury a sum not less than $32,000, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding

E. A. Spencer	Egbert V. Taylor	S. J. Wagner
Arthur Stallard	Roy L. Taylor	Harry F. Walters
Geo. W. Steinford	H. Thieman, Jr.	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt
Thos. M. Swope	E. B. Thompson	
C. W. Taylor	John L. Trumbo	—94

Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 13. Joint resolution providing for the purchase of the Kentucky Directory and the distribution thereof, and appropriating $1,100.00 to purchase same.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1944 Edition.

Section 2. That the State Librarian shall purchase, at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1944," for the use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish the members of the General Assembly and such officers as are

designated by the presiding officers of the respective houses a copy of same and shall furnish the state officials with copies thereof and shall send a copy to the circuit court clerk of each county in the state to be kept in his office. The Librarian shall furnish to the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretaries of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

Mr. May moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutonal provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	Douglas T. Bolling

J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt —93

There voted in the negative—

L. W. Preston —1

Resolved that the title thereof be as aforesaid.

Mr. May moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had concurred in resolutions which originated in this House, entitled:

H. Res. 1. Resolution appropriating the sum of Seven Hundred and Fifty Dollars ($750.00) for a contingent fund for the Clerk of the Senate and the Clerk of the House.

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

Ordered that said resolutions be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 2. An Act relating to public holidays.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2.115 of the Kentucky Revised Statutes of 1942, being a compilation of chapter 149 of the Acts of 1942, is repealed.

§ 2. Whereas, the suspension of holidays has caused an unwarranted interference with the effective operation of business activities, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. C. W. Taylor moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	C. R. Reeves
Henry Arrowood	J. J. Huff	L. Allen Rhoads
F. H. Bassett, Jr.	W. N. Hughes	H. G. Royalty
W. G. Biggers	Lee Johnson	Carl Scheben
Isaac Blevins	Paul S. Jonas	F. W. Schuhmann
Douglas T. Bolling	H. Clay Kauffman	Vernon Seaton
Chas. W. Burnley	G. M. Knuckles	Jno. W. Simmons
Fred Carpenter	Pearl McKinney	Faust Y. Simpson
Willis Champion	Ed Marcum	George T. Smith
A. Roy Copeland	C. C. May	Robt. J. Spaulding
Marvin Cornett	J. Lee Moore	E. A. Spencer
John Henry Cox	L. D. Moore	Arthur Stallard
Fred Creasey	W. B. Moser	Geo. W. Steinford
Thos. S. Dawson	C. Sid Nabb	Thos. M. Swope
Adron Doran	Coy C. Nevitt	C. W. Taylor
Harry W. Ennis	Jno. C. Newcomb	Egbert V. Taylor
Dr. J. C. Gabbard	H. C. Patterson	H. Thieman, Jr.
Franklin Goins	Albert W. Pfeiffer	E. B. Thompson
R. M. Hall	Sylvester Phillips	John L. Trumbo
Jas. P. Hallahan	James T. Philpott	S. J. Wagner
Claude Hammons	J. Gip Prather	Taylor Witt
B. C. Holbrook	L. W. Preston	
Benton Howard	Edw. P. Prichard	
Clyde S. Howard	James E. Quill	—69

Those who voted in the negative were—

J. C. Bradley	C. D. Call	John P. Craig
Jno. W. Burkhart	Jno. H. Clarke, Jr.	J. R. Dorman

T. H. Dyer	A. L. Love	Leon J. Shaikun
Bernie S. Edlin	Johnston Miller	Joe Stewart
J. D. Gross	Harry L. Moore	Roy L. Taylor
Wm. E. Justice	Herbert V. Moore	Otis C. Thomas
Mor. Kavanaugh	Joe E. Nunn	Harry F. Walters
J. T. Linton	Chester Peterson	R. E. West
Homer E. Losey	Amos Runyon	—26

Resolved that the title thereof be as aforesaid.

Mr. C. W. Taylor moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 15. An Act repealing Section 176.030 Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 176.030, Kentucky Revised Statutes, be and the same hereby is repealed.

Mr. Ennis moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	Jno. C. Newcomb
Henry Arrowood	Claude Hammons	Joe E. Nunn
F. H. Bassett, Jr.	B. C. Holbrook	H. C. Patterson
W. G. Biggers	Benton Howard	Chester Peterson
Isaac Blevins	Clyde S. Howard	Albert W. Pfeiffer
Douglas T. Bolling	Jerry F. Howell	Sylvester Phillips
J. C. Bradley	J. J. Huff	James T. Philpott
Jno. W. Burkhart	W. N. Hughes	J. Gip Prather
Chas. W. Burnley	Lee Johnson	L. W. Preston
C. D. Call	Paul S. Jonas	Edw. P. Prichard
Fred Carpenter	Wm. E. Justice	James E. Quill
Willis Champion	H. Clay Kauffman	C. R. Reeves
Jno. H. Clarke, Jr.	M. Kavanaugh	L. Allen Rhoads
A. Roy Copeland	G. M. Knuckles	H. G. Royalty
Marvin Cornett	J. T. Linton	Amos Runyon
John Henry Cox	Homer E. Losey	Carl Scheben
John P. Craig	A. L. Love	F. W. Schuhmann
Fred Creasey	Pearl McKinney	Vernon Seaton
Thos. S. Dawson	Ed Marcum	Leon J. Shaikun
Adron Doran	C. C. May	Jno. W. Simmons
J. R. Dorman	Johnston Miller	Faust Y. Simpson
T. H. Dyer	Harry L. Moore	George T. Smith
Bernie S. Edlin	Herbert V. Moore	Robt. J. Spaulding
Harry W. Ennis	J. Lee Moore	E. A. Spencer
Dr. J. C. Gabbard	L. D. Moore	Arthur Stallard
Franklin Goins	W. B. Moser	Geo. W. Steinford
J. D. Gross	C. Sid Nabb	Joe Stewart
R. M. Hall	Coy C. Nevitt	Thos. M. Swope

C. W. Taylor	Otis C. Thomas	Harry F. Walters
Egbert V. Taylor	E. B. Thompson	R. E. West
Roy L. Taylor	John L. Trumbo	Taylor Witt
H. Thieman, Jr.	S. J. Wagner	—95

Resolved that the title thereof be as aforesaid.

Mr. Ennis moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a resolution which originated in this House entitled:

H. Res. 2. Resolution appropriating additional compensation for officers and employees of the House and Senate.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of January 6)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. Res. 2 in Senate in Section 1 thereof, line 6, by striking the words and figures "Seventy Dollars ($70.00)" and inserting in lieu thereof the words and figures "One Hundred Dollars ($100.00)."

Said amendment was then concurred in.

Said resolution was then passed, as amended.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	L. W. Preston
Henry Arrowood	Jerry F. Howell	Edw. P. Prichard
F. H. Bassett, Jr.	J. J. Huff	James E. Quill
W. G. Biggers	W. N. Hughes	C. R. Reeves
Isaac Blevins	Lee Johnson	L. Allen Rhoads
J. C. Bradley	Paul S. Jonas	H. G. Royalty
Jno. W. Burkhart	Wm. E. Justice	Amos Runyon
Chas. W. Burnley	H. Clay Kauffman	Carl Scheben
C. D. Call	M. Kavanaugh	F. W. Schuhmann
Fred Carpenter	G. M. Knuckles	Vernon Seaton
Willis Champion	J. T. Linton	Leon J. Shaikun
Jno. H. Clarke, Jr.	Homer E. Losey	Jno. W. Simmons
A. Roy Copeland	A. L. Love	Faust Y. Simpson
Marvin Cornett	Pearl McKinney	George T. Smith
John Henry Cox	Ed Marcum	Robt. J. Spaulding
John P. Craig	C. C. May	E. A. Spencer
Fred Creasey	Johnston Miller	Arthur Stallard
Thos. S. Dawson	Harry L. Moore	Geo. W. Steinford
Adron Doran	Herbert V. Moore	Thos. M. Swope
J. R. Dorman	J. Lee Moore	C. W. Taylor
T. H. Dyer	L. D. Moore	Egbert V. Taylor
Bernie S. Edlin	W. B. Moser	Roy L. Taylor
Harry W. Ennis	C. Sid Nabb	H. Thieman, Jr.
Dr. J. C. Gabbard	Jno. C. Newcomb	Otis C. Thomas
Franklin Goins	Joe E. Nunn	E. B. Thompson
J. D. Gross	H. C. Patterson	John L. Trumbo
R. M. Hall	Chester Peterson	S. J. Wagner
Jas. P. Hallahan	Albert W. Pfeiffer	Harry F. Walters
Claude Hammons	Sylvester Phillips	R. E. West
B. C. Holbrook	James T. Philpott	Taylor Witt
Benton Howard	J. Gip Prather	—92

Mr. Rhoads moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Linton.

H. B. 80. An Act amending Sec. 132-480 and Section 132-490 KRS to make uniform the fees for duties of the County Court Clerk.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That such part of sub-section one (1) of KRS No. 132.480 be amended by striking out the words "for which he shall be allowed a reasonable compensation by the Fiscal Court" and inserted therefor the following words, for which service he shall be allowed the sum of five cents (5c) by the Fiscal Court of his county.

BE IT FURTHER ENACTED that sub-section three (3) of section 132.490 KRS be stricken from the said section and in lieu thereof the following, to-wit: for making the statements the clerk shall be paid the sum of five cents (5c) by the fiscal Court of his county.

By Mr. L. D. Moore.

H. B. 81. An Act relating to superintendents of county school districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If a majority of all legal voters who vote at the election provided for in section two of this Act in favor of the election by popular vote of the superintendent of the county school district, the superintendent of the county school district of that county shall thereafter, or until the voters at another election as provided for in section two of this Act vote to return to the method of appointment provided for in KRS 160.350, be elected by popular vote as provided for in section three of this Act, and the provisions of KRS 160.350 shall not apply in such county.

§ 2. Upon the petition of one hundred and fifty legal voters who are freeholders of the county, the county court shall, at the next regular term after receiving the petition, make an order on its order book directing an election to be held in the county, on a day not earlier than thirty days after the petition is received by the judge and not later than ninety days before the next regular November election, to determine whether the superintendent of the county schools shall be elected by popular vote. The order shall direct the sheriff to advertise the election and its object once a week for thirty days before the election day in a newspaper of general circulation in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of the election of the superintendent of the county school district by popular vote?" Such an election shall not be held oftener than once in every four years.

§ 3. (a) If a majority of all legal voters who vote at the election provided for in section two of this Act vote in favor of the election by popular vote of the superintendent of the county school district, then at the next regular November election in that county, and every four years thereafter, there

shall be elected a county superintendent of schools who shall assume office on the first Monday in January of the following year and hold office for a period of four years and until his successor has been elected and qualified, except as provided in section six of this Act.

(b) No person shall be eligible for the office of superintendent of the county school district who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of scholarship, administration and supervision, issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such a certificate throughout his term of office, nor shall he be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

(c) Voters in independent graded school districts which are maintained separately and distinct from the common schools of the county, which said independent graded school districts are embraced, in whole or in part, in any city of any class, or otherwise, shall not be eligible to vote in an election for county school district superintendent.

(d) The names of candidates for county school district superintendent shall be on a separate sheet from all other ballots used in any election, except that they may be on the same sheet on which the names of candidates for the Board of Education appear. The county clerk shall cause to be printed on said ballot the names of all candidates for superintendent, in whose behalf he is petitioned to do so in writing by not less than four hundred persons of the county qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than one hundred and twenty days and not less than thirty days before the day of

election, and each petition must be signed by the requisite number of qualified voters of the county and shall show the place of residence of each person signing it. No person shall sign more than one such petition.

§ 4. (a) The board of education shall fix the salary of the superintendent, prior to the time of his taking office, at not less than $1,200.00 per annum to be paid in monthly installments.

(b) A superintendent of schools may be removed for cause by a vote of four members of a board of education. Written notice setting out the charges for removal shall be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

§ 5. If a county votes to adopt the provisions of this Act, any contract of employment or appointment of a county superintendent of schools for that county made after the effective date of this Act shall be automatically terminated as of the date the elected superintendent takes office.

§ 6. The adpotion of the provisions of this Act by a county shall not affect the tenure of a county superintendent of schools appointed under KRS 160.350 prior to the effective date of this Act.

By Mr. Nevitt.

H. B. 82. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 132.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual ad valorem tax for state purposes of twenty-five cents upon each one hundred dollars of value of real property directed to be assessed for taxation, except not exceeding five thousand dollars in value of such real estate as constitutes the homestead of any taxpayer, and an annual ad valorem tax for state purposes of fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation, shall be paid by the owner or person assessed, except as provided in KRS 132.030, 132.050, 136.290, 136.300 and other sections providing a different tax rate for particular property.

By Mr. Nevitt.

H. B. 83. An Act to provide for amendments to Section 228 of the Constitution, relating to the oaths of officers, attorneys and members of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 228 of the Constitution of Kentucky is amended to read as follows:

Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath, or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ..... according to law, so help me God.

§ 2. This amendment shall be submitted to the people in the manner provided by Sections 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Nevitt.

H. B. 84. An Act to amend the Constitution of the Commonwealth by creating a new section relating to the qualifications of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth is amended by creating a new section thereof, to read as follows:

Every citizen of the United States of the age of eighteen years or over who has been honorably discharged from service in the Armed Forces of the United States, and who is otherwise a qualified voter under Section 145 of this Constitution, shall be entitled to vote in the precinct in which he has established legal residence.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection in the manner provided by Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

By Mr. Shaikun.

H. B. 85. An Act relating to elections on public questions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the Kentucky Revised Statutes is created to read as follows:

No election on a public question shall be held on a day other than the day of a regular election for public officers.

§ 2. Section 66.100 of the Kentucky Revised Statutes is amended to read as follows:

Before calling in any bonds issued on account of any donation or subscription to the capital stock of a railroad company and issuing new bonds to be exchanged therefor under KRS 66.090, and before issuing any new bonds under KRS 66.090 to be sold for the purpose of paying the principal or interest of bonds issued for railroad purposes, the fiscal court shall give notice of its proposed action by publication in four consecutive weekly issues of the newspaper published in the county having the greatest circulation in the county, and by printed posters posted at the most public place in each voting precinct of the county for at least thirty days before the action is proposed to be taken. If there is no newspaper published in the county the fiscal court shall cause printed posters, announcing the proposed action and the date thereof, to be posted at the five most public places in each voting precinct in the county for thirty days next before the action is proposed to be taken. If, on or before the day the action is proposed to be taken, a petition signed by three hundred voters of the county is filed with the county judge, requesting that the question as to whether the fiscal court shall take the proposed action be submitted to the voters of the couny, the fiscal court shall not take such action at the time proposed, nor until a majority of the voters of the county voting at an election on the question have voted in favor of the proposed action. On receipt of the petition, the county judge shall file it, and enter an order upon the order book of the county di-

recting that the question be submitted to the voters of the county at the next regular election for public officers that will be held not earlier than thirty days after the date of the order. If a majority of the votes cast on the question is in favor of the proposed action, the fiscal court shall, as soon as practicable thereafter, take the proposed action.

§ 3. Subsection (2) of section 178.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) Upon the petition of one hundred and fifty legal voters who are freeholders of the county, the county court shall, at a regular term after receiving the petition, make an order on its order book directing an election to be held in the county at the next regular election for public officers, but not earlier than sixty days after the application is received by the judge. The order shall direct the sheriff to advertise the election and its object for at least thirty days next before the election day in the newspaper having the largest circulation in the county and also by printed handbills posted at not less than four public places in each voting precinct in the county and at the courthouse door. The election shall be held under the general election laws. The question shall be: "Are you in favor of issuing ..... in bonds for the purpose of building roads and bridges?"

§ 4. Subsection (1) of section 178.210 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court of any county may submit to the voters at a regular election for public officers, the question of voting a tax of any sum not exceeding twenty cents on the hundred dollars on all property subject by law to local taxation, for the construction of the public roads and bridges of the county, as the fiscal court directs. The order of the fiscal court calling the election shall specify the amount of the tax to be levied

each year and the number of years for which the tax may be imposed, not exceeding ten years, and shall also provide that no money in excess of the amount that can be raised by the levy in any one year shall be expended in that year.

§ 5. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The election shall be at the next regular election for public officers held not earlier than sixty days after the date the petition is filed with the county clerk.

(2) No election shall be held in the same territory oftener than once in every three years.

§ 6. Section 242.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Not more than twenty days prior to an election any group of citizens that in good faith favors or opposes the proposition to be submitted may file with the chairman of the county board of election commissioners a petition asking that it be recognized as the committee entitled to certify challengers, witnesses to the count of the ballots and certification of the results, and guards to assist in guarding the ballot boxes during the period which the group desires. If more than one group claims the right to certify challengers, witnesses and guards, the county board of election commissioners shall promptly decide and publicly announce which committee is entitled to certify challengers, witnesses and guards. That decision shall not be final, but any aggrieved party may appeal to the county court, and upon hearing the county judge shall determine which group shall be recognized.

(2) The committees may sign and issue certificates designating challengers at the polls, witnesses to the count of

ballots and guards to assist in guarding the ballot boxes, in the same manner as political committees under the general election laws.

(3) Those favoring and those opposing the proposition shall be entitled to an equal division of challengers at the polls, of witnesses at the count, and of guards to guard the ballot boxes.

§ 7. Sections 242.080 and 242.090 of the Kentucky Revised Statutes of 1942 are repealed.

By Mr. Peterson.

H. B. 86. An Act enabling fiscal courts of counties containing cities of the first class, in their discretion to purchase policies of insurance, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fiscal court, in each county, having therein a city of the first class, may, in its discretion, for the protection of the public and its employees, appropriate county funds to purchase policies of insurance, of all kinds, deemed advisable, covering motor vehicles and other vehicles, by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment; provided, the insurance carrier, by its policy of insurance, waives therein the right to contest or deny liability, by denying the liability of the county because of its governmental capacity and immunity on that account, and, provided, said policy of insurance shall bind the company to pay final judgment rendered against the county for loss, or damage to property of any person or death or injury of any person.

By Mr. Stallard.

H. B. 87. An Act relating to public assistance for needy aged, needy blind, and dependent children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 205.030 of the Kentucky Revised Statutes is amended to read as follows:

The amount of old age assistance which shall be granted to any needy aged shall be determined with due regard to the resources and requirements of the individual and the conditions existing in each case, and shall be sufficient, when added to all other income and support available to the needy aged, to provide the needy aged with a subsistence of thirty dollars per month. No person shall receive old age assistance whose income and support from all other sources amounts to thirty dollars or more per month, or who has any child whose net income exceeds five thousand dollars per annum. The ownership of property by a needy aged shall not affect the allowance of old age assistance to him, so long as the assessed value of such property does not exceed $1,800, but the amount by which the assessed value of any property owned by a needy aged exceeds $1,800 shall be treated as having an annual income value of twenty percent, and such percentage shall be considered as income to the needy aged in determining the amount of old age assistance he is to receive.

§ 2. A new section of the statutes is created to read as follows:

(1) No officer or employe of the Department of Welfare shall make any discrimination between persons applying for

old age assistance, aid to needy blind or aid to dependent children, for partisan political reasons or for any other reason, nor shall any such officer or employe willfully fail, neglect or refuse to investigate any application and cause aid to be rendered to the applicant if qualified.

(2) Any person whose application for old age assistance, aid to needy blind or aid to dependent children is not investigated within sixty days after the application is made shall, if found to be eligible for such assistance or aid when investigation is made, be awarded such assistance or aid retrospectively, beginning sixty days after the making of his application.

(3) Any officer or employe who violates subsection (1) of this section, for the first offense, be fined not less than one hundred dollars nor more than three hundred dollars, or confined in the county jail for not less than thirty days nor more than sixty days; for the second offense he shall be fined not less than five hundred dollars nor more than one thousand dollars, and shall be discharged from state employment and shall not thereafter be employed in any department or agency of the state government.

By Mr. Kauffman.

H. B. 88. An Act repealing, amending and re-enacting Sec. 403.030 Kentucky Revised Statutes, relating to proof required for divorce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 403.030, Kentucky Revised Statutes, 1942 (First Edition), be repealed, amended and reenacted so that when reenacted said section shall read, as follows:

A petition for divorce shall not be taken for confessed, or be sustained by the admission of the defendant alone, but must be supported by other proof. Two witnesses, or one witness and strong corroborating circumstances, shall be necessary to sustain the charge of adultery or of lewd and lascivious behavior. The credibility or good character of the witnesses must be personally known to and certified to by the officer taking the deposition, or else it must be proved.

By Mr. McKinney.

H. B. 89. An Act to amend Sec. 403.030 of the Kentucky Revised Statutes, relating to actions for divorce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 403.030 of the Kentucky Revised Statutes is amended to read as follows:

A petition for divorce shall not be taken for confessed or be sustained by the admission of the defendant alone, but must be supported by other proof. Two witnesses, or one witness and strong corroborative circumstances, shall be necessary to sustain the charge of adultery or of lewd and lascivious behavior. The credibility or good character of the witnesses must be personally known to the judge or personally known to and certified to by the officer taking the deposition, or else it must be proved.

By Mr. Cox.

H. B. 90. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States. It shall apply to the operators of threshing machines used in threshing or hauling grains and seeds. It shall affect the liability of the employers subject thereto to their employes for a personal injury sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury. Personal injury by accident shall include injuries or death due to any occupational disease arising out of and in the course of employment, injuries or death due to inhalation in mines of nôxious gasses or smoke, commonly known as "bad air", and injuries or death due to inhalation of any kind of gas, but it shall not include other diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall it include the results of a pre-existing disease.

(2) Any employers and employes who are by this section excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint, voluntary application to the board, in writing, for a period as stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation is filed with the board or the employment terminated.

By Mr. Rhoads.

H. B. 91. An Act to repeal, amend and reenact Sec. 117.140 K.R.S. relating to fees allowed county clerk.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 117.140, Kentucky Revised Statutes, 1942 (First Edition), be repealed, amended and reenacted so that when reenacted said section shall read as follows:

(1) The county clerk is entitled to collect:

(a) For original registration, two cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, two cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, two cents per name, including date and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by KRS 117.110, six cents for each five names listed.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

By Mr. Cox.

H. B. 92. An Act relating to the custody and control of all office space on the third floor of the State Capitol building.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The exclusive custody and control of all office space on the third floor of the State Capitol Building is hereby placed with the Speaker of the House of Representatives and the President Pro Tempore of the Senate for the use of the General Assembly and for the use of such other agencies of the Commonwealth as the Speaker of the House of Representatives and the President Pro Tempore of the Senate may deem expedient and advisable.

2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

3. By reason of the fact that the members of the General Assembly do not now have sufficient office space in which to do their work, an emergency is hereby declared to exist, and this Act shall become effective immediately after its passage and signature of the Governor.

By Mr. Steinford.

H. B. 93. An Act to revise certain salaries of deputy county clerks in counties with a population in excess of 90,000.

Said bill is as follows, viz.:

Be it Amended by the General Assembly of the Commonwealth of Kentucky:

That Section 28.300 of the Kentucky Revised Statutes be repealed, amended and reenacted to read as follows:

Deputy Clerks in counties containing a population of 75,000 or more.

(1) In each County containing a population of 75,000 or more, the number of deputies allowed to Circuit Clerks and County Clerks, and the compensation allowed to each deputy, shall be fixed as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the order book of the Circuit Court and County Court, and signed by a majority of the judges of said Courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) In Counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy circuit clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 per annum, and the salaries of the other deputy circuit court clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties having a population of 200,000 or over the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 a year, and the salary of one deputy circuit court clerk who shall act as cashier shall be fixed at a reasonable amount not exceeding $2,500 a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

(3) In counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per an-

num. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $3,000 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(5) In counties having a population of 200,000 or over the salaries of the first four deputy county clerks shall be fixed at a reasonable amount not exceeding $3,000 a year and the salary of each of the other deputies in the office of the county clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

By Mr. Jonas.

H. B. 94. An Act relating to compensation of Justices and Commissioners for serving on fiscal court and its committees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Each county commissioner serving on a fiscal court shall be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of Three Thousand Dollars ($3,000.00) per annum, payable monthly.

(b) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Each justice of the peace serving on a fiscal court shall be paid for his services out of the county treasury six dollars for each day of actual attendance of the meetings of the fiscal court.

(3) County commissioners or justices of the peace shall not receive any other compensation for their services, or any compensation for serving on committees of the fiscal court, except that in counties where the fiscal court controls and supervises the county roads through a committee of its members the justices of the peace serving on that committee shall be paid out of the county treasury six dollars for each day of actual service.

H. B. 95. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term except for cause and upon written notice and repealing Section 63.080 K.R.S.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That no person appointed to an office by the Governor shall be removed therefrom by the Governor during the term for which he was appointed unless for failing to discharge, or for neglect in the performance of the duties of his office, and any person removed for such cause shall be notified in writing of the cause of removal.

Section 63.080 Kentucky Revised Statutes and all other laws in conflict herewith are hereby repealed.

By Mr. Marcum.

H. B. 96. An Act relating to the Department of Revenue.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 134.380 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue may act in the name of and in behalf of the State and in the name of and in behalf of any and all counties, school and other taxing districts in the State, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. All power and authority heretofore or now vested in revenue agents, auditor's agents, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this section are transferred to and vested in the commissioner.

(2) The Commissioner of Revenue, or the Department of Revenue, shall be authorized to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property only through the Attorney General, or through one of the Assistant Attorneys General designated by the Attorney General, or by law, for such purpose. The Department of Revenue shall cooperate to the fullest extent with the Attorney General and such Assistant Attorneys General in the furnishing of information and the procuring and introduction of evidence, and all files and records of the Department of Revenue, including individual tax returns and schedules, shall at all times be available for inspection by the Attorney General and such Assistant Attorneys General. The

Commissioner, upon the recommendation of the Attorney General, shall employ such field agents, accountants and attorneys as are necessary to assist the Attorney General in the collection of delinquent taxes and the assessment of omitted property; and all contracts of employment providing the compensation of such field agents, accountants and attorneys, including payment of necessary expenses, shall be approved by the Attorney General in writing. The Attorney General and such Assistant Attorneys General shall prosecute diligently the collection of all delinquent taxes due the state. Nothing in this subsection is intended to interfere with the duties of the county attorneys under KRS 132.040, 132.350, 134.340, 134.500, 134.540 and 135.040.

(3) Nothing contained in this chapter shall prevent the Commissioner of Revenue or the Kentucky Tax Commission from assessing any property in accordance with the provisions of KRS 136.020, 136.030, 136.050, 136.120 to 136.180 or 136.270.

(4) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

2. Section 135.050 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Commissioner of Revenue shall prosecute diligently, or cause to be prosecuted by field agents and accountants, the collection of all license fees, omitted license, inheritance, estate, income, excise or franchise taxes, judgments or other moneys, claims or demands due the state from any person.

(2) The Department of Revenue may institute legal proceedings to ascertain the amount of tax due under any statute imposing a license, excise or income tax in favor of the state, and to enforce the collection of the amount due and the penalties and interest thereon, and, in the case of a license or excise tax, to enjoin the operation of the business of the delinquent until the tax is paid, without being required to execute bond.

(3) The Department of Revenue may, at or after the commencement of an action under subsection (2) of this section to collect the amount of license, excise or income tax due and the penalties and interest thereon, have an attachment against the property of the person liable for the tax or a garnishment of his debtors, without the execution of a bond.

(4) No action shall be instituted or prosecuted for any purpose mentioned in this section through any attorney other than the Attorney General and such Assistant Attorneys General as are designated by the Attorney General or by law for such purpose.

3. Section 135.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Attorney General and such Assistant Attorneys General as are designated by the Attorney General, or by law, for such purpose may institute actions in the name of the Commonwealth, and in the name of any county, school or other taxing district, on relation of the Commissioner of Revenue, against any delinquent state, county or district officer or any person to recover taxes or any other money due the state or any county, school or other taxing district. Such actions shall be instituted upon the request of the Commissioner of Revenue, accompanied by a statement of facts reasonably indicating that a cause of action exists, or in any case where information is brought to the attention of the Attorney

General or such Assistant Attorneys General indicating the existence of a cause of action.

(2) Before instituting any action under subsection (1) of this section, the Attorney General or Assistant Attorney General shall file a copy of the petition in the proposed action with the Commissioner of Revenue, with a statement of the facts on which the action is based.

(3) In all actions brought under subsection (1) of this section in which a judgment is recovered, the party in default shall, in addition to the amount found to be due the state or any county, school or other taxing district, be adjudged to pay a penalty of twenty percent on the amount due.

(4) Section 135.070 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No action instituted under KRS 135.060 shall be settled except by judgment in open court, and no compromise or agreed judgment shall be entered in any such action except with the written approval of the Commissioner of Revenue. All files and records of the Attorney General and of the Assistant Attorneys General with regard to any action instituted under KRS 135.060 shall at all times be available for inspection by the Commissioner of Revenue or by a representative designated by him.

5. Subsection (5) of section 131.130 of the Kentucky Revised Statutes of 1942, relating to the performance of services for the Department of Revenue by Commonwealth's attorneys and county attorneys, is amended to read as follows:

(5) The Department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforce-

ment of laws assigned to the department for administration, except that no Commonwealth's attorney or county attorney shall prosecute any action for the collection of delinquent taxes or the assessment of omitted property unless with the approval of the Attorney General.

(6) Section 131.220 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Field agents, accountants and attorneys of the Department of Revenue shall report to the Commonwealth's attorney, county attorney or grand jury, when directed to do so by the Commissioner of Revenue, and with the approval of the Attorney General, all persons who may be guilty of violating any tax law, and shall cause the offenders to be prosecuted.

7. Section 132.330 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Revenue, and its field agents, accountants and attorneys shall cause to be listed for taxation all property omitted by the county tax commissioners, boards of supervisors, Kentucky Tax Commission acting as a board of valuation and assessment, or any other assessing authority, for any year omitted. Such listing shall be caused by the institution of an action, on the relation of the Commissioner of Revenue, by the Attorney General or by such Assistant Attorneys General as may be designated by the Attorney General or by law for the purpose. Such action shall be instituted by filing in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the prop-

erty was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause before the next regular term of the county court that does not commence within five days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No judgment shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the court to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent, attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from the state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of sections 58, 59 and 60 of the Civil Code. In all of the above cases an attachment of the property omitted from assessment may be procured against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the respresentative of the Department of Revenue making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

8. Section 132.350 of the Kentucky Revised Statutes of

1942 is amended to read as follows:

The county clerk shall, upon the filing of a statement under KRS 132.330 for the assessment of omitted property, enter the name of the Attorney General or Assistant Attorney General who brings the action as attorney for the department, and enter the name of the county attorney as attorney for the state, county, school or other taxing districts for which the Commissioner of Revenue is authorized to act as relator in such proceedings. The county attorney shall appear and prosecute or assist in the prosecuting of the proceeding in all the courts to which it may be taken for trial. If there is a judgment assessing the property for taxation, the judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of the proceeding. When he is present and assists in the proceeding he shall be allowed compensation for his services ten percent of the amount of state, county and school taxes assessed and collected pursuant to the judgment. The state and county shall be liable respectively for the payment only of the percentage allowance of compensation to the county attorney on the amount that each collected, and this shall be paid to the county attorney within thirty days after the collection of the taxes, and charged against the fund to which the tax was credited.

9. Subsection (1) of section 140.160 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The Department of Revenue shall have supervision of the collection of all taxes due under the provisions of this chapter. He shall have the power to institute suit in this and other states, and the power to employ attorneys and other persons necessary to carry out the full intent and purpose of this chapter and to determine their compensation, subject to the approval of the Attorney General. The de-

partment shall furnish, upon application, blank forms covering such information as may be necessary to determine the amount of tax due the state on the transfer of all property subject to tax.

10. A new section of the statutes is created, to read as follows:

(1) The Attorney General shall appoint two Assistant Attorneys General, with the approval of the Department of Revenue, whose duty it shall be to institute and prosecute actions for the collection of delinquent taxes and the assessment of omitted property, as contemplated by KRS 132.330, 134.380 and 135.060. Such Assistants shall devote such time as is necessary to such duty but subject at all times to perform such duties generally for the office of Attorney General as directed by the Attorney General, and shall take such action as may be necessary or advisable to secure information with regard to delinquent taxes and omitted property. They shall advise and cooperate with the Commissioner of Revenue and the employes of the Department of Revenue, but shall at all times be subject to the supervision and direction of the Attorney General.

(2) Such Assistants shall be licensed practicing attorneys of this state, with at least four years' experience in actual practice. They shall serve for the term of the Attorney General by whom appointed, subject to removal by him at pleasure. They shall, before entering upon their duties, execute bond, with qualified corporate surety, in such sum as may be required by the Attorney General, sufficient to cover any funds which may come into their hands by virtue of their duties. The premiums on the bonds shall be paid out of the Delinquent Tax Fund established under KRS 134.400. Such Assistants shall not receive any tax money without specific written authority from the Commissioner of Rev-

enue, and they shall be subject to the provisions of KRS 131.205.

(3) Each of such Assistants shall receive an annual salary of four thousand five hundred dollars ($4,500.00). Such salaries shall be paid in monthly installments out of the Delinquent Tax Fund established under KRS 134.400. If such fund is not sufficient for the purpose, the salaries shall be paid in monthly installments out of the appropriations made to the Department of Revenue.

(4) Such Assistants shall each be entitled to the services of a fulltime stenographer who shall be employed by the Attorney General and paid a compensation determined by the Attorney General with the approval of the Commissioner of Revenue, and said compensation not to exceed two thousand dollars ($2,000.00) per annum, and such compensation to be paid in monthly installments from the Delinquent Tax Fund established under Kentucky Revised Statutes, section 134.400. If such fund is not sufficient for the purpose, the compensation shall be paid in monthly installments from appropriations made to the Department of Revenue.

(5) The legislative intent and purpose of this act is to require the Attorney General and his Assistant Attorneys General appointed for the Department of Revenue or the Commissioner of Revenue, as provided for herein, to institute and conduct all litigation necessary to require the assessment of all omitted property escaping taxation, and to collect all delinquent, excise, inheritance, estate, license, income and property taxes (including interest, penalties and cost) where and when litigation is required so that the surplus profits that are now paid to general counsel for the Department of Revenue or Commissioner of Revenue employed upon a contingent basis, shall flow into the State Treasury; but not to interfere with the Department of Revenue or the Commis-

sioner of Revenue employing such field agents, junior accountants, clerks and stenographers as are reasonably necessary to ferret out and disclose property unlawfully omitted from assessment; but any and all parties employed as such help with the advice and consent of the Attorney General, if employed under a contract upon a contingent basis, shall be paid not exceeding an amount equal to thirty-three and one-third per cent (33-1/3%) of the amount collected, and covered into the State Treasury to the credit of the "Delinquent Tax Fund," as a result of their actual efforts to uncover and disclose property omitted from assessment or taxes that were delinquent and whose omission and delinquency was unknown to the Department of Revenue or the Commissioner of Revenue prior to their efforts.

11. All acts and parts of acts in conflict with this act are repealed to the extent of the conflict.

Whereas, the present method of collecting delinquent taxes and assessing omitted property results in an unnecessarily high cost of collection, and thereby imposes an unreasonable burden upon the financial resources of the Commonwealth, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

By Mr. Egbert V. Taylor.

H. B. 97. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund of the Commonwealth of Kentucky for the

fiscal year beginning July 1, 1943 and ending June 30, 1944, the following sums for the following officers, departments, boards, commissions, institutions and subdivisions of the State Government, to supplement appropriations made by the General Assembly of the Commonwealth at the Regular Session of 1942, to be expended under the provisions of the Reorganization and Budgetary Control Acts of the Commonwealth.

A. DEPARTMENT OF FINANCE

1. *Commissioner of Finance.*

There is hereby appropriated to the Commissioner of Finance, for the purpose of compensating the following named persons, firms and corporations for services, materials, supplies and merchandise, the sums set opposite their names:

1. Division of Engineering.

(a) Belknap Hardware Company	$3,643.00
(b) Bass and Company	7,674.46
(c) Truscon Steel Company	2,155.98
(d) Keach Furniture Company	946.37
(e) Fireman Equipment Company	582.89
(f) Skinner Brothers, Contractors	3,630.01
(g) Porter Cable Machine Company	1,257.00
(h) Tafel Electric and Supply Company	177.50
(i) Saunier Brothers	860.94
(j) R. F. Johnson Paint and Glass Company	244.92
(k) Louisville Blue Print & Supply Co.	450.22
(l) Texaco Company	105.32
(m) Brock-McVey Company	3,732.32
(n) Frankfort Lumber Company	1,908.60
(o) The Kister Company	3,449.31
(p) Hubbuch Wall & Floor Covering Co.	728.35

(q) McNeill Lumber Company 1,960.00
(r) Jay W. Jones Weather Strip Company 2,403.75
(s) W. F. McMurry 74.00

B. DEPARTMENT OF WELFARE

There is hereby appropriated to the Commissioner of Welfare for the purpose of compensating the following named persons, firms and corporations for services, materials, supplies and merchandise, the sums set opposite their names:

1. *State Penitentiary.*

(a) J. B. Payne & Sons ..... $ 60.80
(b) Hayes Freight Lines 10.42

2. *Feeble-Minded Institute*

(a) Huber Seed Company 30.00

3. *Division of Public Assistance*

(a) Mrs. Anna Hubbuch Settle 750.00

C. DEPARTMENT OF EDUCATION

There is hereby appropriated to the Superintendent of Public Instruction, for Morehead State Teachers College for the purpose of compensating the following named persons, firms and corporations, for services, materials, supplies and merchandise, the following sums set opposite their names:

1. *Morehead State Teachers College*

(a) E. C. O'Rear $1,000.00
(b) Joseph & Joseph, Architects 2,199.64

D. DEPARTMENT OF BUSINESS REGULATIONS

There is hereby appropriated to the Director of the Department of Business Regulations, for the purpose of compensating the following named persons, firms and corporations, for services, materials, supplies, expenses and merchandise, the sums set opposite their names:

1. *Division of Professional Regulations*

(a) Miss Honor Murphy $39.45
(b) Sister Agnes Miriam Payne 84.18

WHEREAS, the persons, firms and corporations have in good faith rendered the services, materials, supplies and merchandise and the Commonwealth has received the benefit of said services, materials, supplies and merchandise, an emergency is hereby declared to exist, and this act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Bolling.

H. B. 98. An Act relating to primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of 119.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 119.070 and 119.075, any person who is qualified under KRS 119.200 to vote in any primary election for the candidates for nomination by the party at whose hands he seeks the nomination, shall have his name printed on the official ballot of his party for an office

to which he is eligible in that primary, upon filing, with the proper officer at the proper time, a notification and declaration.

§ 2. A new section of the statutes is created, to be numbered KRS 119.075 and to read as follows:

(1) The provisions of KRS 119.050 shall not apply to any eligible person serving in the Armed Forces of the United States while this country is at war. The name of such person shall be printed on the official ballot of his party for an office for which he is eligible in any primary election when an application has been filed on his behalf by two reputable electors of the party at whose hands he seeks the nomination.

(2) Such application shall be accompanied by a statement signed by the proposed candidate authorizing the action of the electors.

(3) The application and the candidate's statement, herein mentioned, shall be filed in good faith and with the proper officer at the proper time, as provided for other candidates in primary elections.

(4) The form of such application shall be similar to that of the affidavits required of electors in behalf of other candidates as provided in KRS 119.050.

(5) No certificate of nomination shall be given to any such successful soldier, sailor or marine candidate until he has caused to be filed with the Clerk of the County Court, in the county of his legal residence, a statement containing such information as is required, in section 119.070, of successful candidates for judicial nominations.

By Mr. Bolling.

H. B. 99. An Act providing for payment from the proceeds of the sale of electrical energy, water and gas by municipally owned light, water and gas plants, to the boards of education of school districts embracing such municipalities, of amounts equivalent to taxes on book value.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The board of education of each school district embracing any municipality where there is a municipally owned and operated light plant, water plant or gas plant shall each year have paid to it by such municipality or by its utility commission in charge of the operation of its light, water or gas plant, from the proceeds of the sale and distribution of electrical energy, water and gas, an amount of money which shall be the same amount as that determined by multiplying the book value of the property of the plant or plants as of the beginning of each year by the current tax rate levied for that year within the municipality for school purposes. "Book value", as used in this section, means the cost of tangible property plus additions, extensions and betterments, less reasonable depreciation or retirement reserve; and "year" as herein used, means the twelve-month period ending June 30. The book value, so determined, shall be in accordance with standard accounting practices.

§ 2. Such amount for any year, as provided in Section 1 of this Act, shall be paid to the board of education within thirty days after the close of the year. The board of education shall have a superior lien upon the proceeds from the sale of electrical energy, water and gas for the amounts required to be paid to such board by this Act, except that such lien shall be inferior to any existing liens against the earnings of the plant or plants for the payment of revenue bonds.

§ 3. This Act does not apply to any electric system that is subject to the provisions of KRS 96.820.

By Mr. Preston.

H. Res. 21. A Joint Resolution urging the Congress of the United States to pass appropriate legislation providing for the conservation of the meat supply of the nation.

Said resolution is as follows, viz.:

H. Res. 21. A Joint Resolution urging the Congress of the United States to pass appropriate legislation providing for the conservation of the meat supply of the nation and for adequate and reasonable regulations concerning the marketing of pork.

Whereas, the meat supply of the nation is now being dissipated because of the existing rules and regulations of the various Federal agencies, and

Whereas, it is of the utmost importance to conserve the meat supply for the future needs of our Armed Forces, and

Whereas, present rules and regulations of the various Federal agencies relating to the marketing of swine and pork products are economically unsound and are imperiling the agricultural structure of the nation, now therefore

Be It Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Congress of the United States is urged to pass appropriate legislation providing for the removal of all rationing of pork and pork products so as to increase the consumption of pork and thereby conserve the beef supply of the nation for the better supplying of our Armed Forces.

2. That the Congress of the United States is further urged to provide for appropriate legislation for the extension of the floor on hog prices to include hogs weighing two hundred to four hundred pounds in order that the present over-flooded market may be relieved.

3. The Clerk of the House of Representatives is directed to send a copy of this resolution to the Clerks of the respective Houses of Congress, to the United States Senators from Kentucky and to the Representatives in Congress from Kentucky.

Ordered that said bills be printed and referred.

Ordered that said resolution be referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 18, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Adron Doran, member of this House.

The roll was called and the following members answered to their names, viz.:

Henry Arrowood	Isaac Blevins	Jno. W. Burkhart
F. H. Bassett, Jr.	Douglas T. Bolling	Chas. W. Burnley
W. G. Biggers	J. C. Bradley	C. D. Call

Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

Mr. Simpson moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill offered the following resolution, viz.:

Whereas, members of this House have been informed of the death early this morning of the Most Reverend Francis W. Howard, Bishop of the Diocese of Covington, and

Whereas, during the 21 years that Bishop Howard has served the Catholic Diocese of Eastern Kentucky, representing all counties in our State east of the Kentucky River, he has brought much cultural refinement to our people and has done much to promote and advance the religious, educational and civic betterment of thousands of our citizens, and

Whereas, Bishop Howard is not only known locally, but as a former President of the Catholic Educational Society of America, and through his lectures, writings and works became a national figure and churchman, therefore,

Be It Resolved that when this House adjourn today it do so in his honor and memory, and

Be It Further Resolved that a copy of this resolution be spread upon our minutes, a copy be given to the press for publication, and a copy be sent to the Reverend Ambrose Wagner, Secretary to Bishop Howard in Covington.

Said resolution was adopted.

The Speaker announced that he had referred resolutions and bills heretofore introduced, as follows, viz.:

HOUSE RESOLUTION 21—AGRI. No. 2

House Bill 80—Courts
House Bill 81—Ways & Means
House Bill 82—Revenue & Taxation
House Bill 83—Constitutional Amendments
House Bill 84—Constitutional Amendments
House Bill 85—Ways & Means
House Bill 86—Cities of First Class
House Bill 87—Kentucky Statutes
House Bill 88—Codes of Practice
House Bill 89—Codes of Practice
House Bill 90—Comp. for Industrial Injuries

House Bill 91—Courts
House Bill 92—Ways & Means
House Bill 93—Cities of Second Class
House Bill 94—Cities of Second Class
House Bill 95—Ways & Means
House Bill 96—Ways & Means
House Bill 97—Ways & Means
House Bill 98—Suffrage & Elections
House Bill 99—Kentucky Statutes

Committees to which the same had previously been referred, reported bills of the following titles, viz.:

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 66. An Act relating to the Department of Law.

H. B. 46. An Act relating to interest charges against guardians, committees and curators.

With a Committee amendment thereto.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 37. An Act relating to elections.

With a Committee amendment thereto.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 43. An Act relating to statements of campaign expenses.

With the expression of opinion that said bill ought not to pass.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 76. An Act relating to procedure in contests of Primary Elections.

H. B. 77. An Act relating to procedure in contests of General Elections.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bills, it was ordered that said bills be not read the first time at length, and so said bills were rejected.

Mr. Kauffman moved that the Rules of this House be suspended for the purpose of introducing a resolution.

Said motion was agreed to.

Thereupon Mr. Kauffman offered the following resolution, viz.:

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That Rule 29 of the House Rules be amended so as to entitle the Judges and Commissioners of the Court of Ap-

peals, together with their immediate families, the privileges of the floor of the House of Representatives during the 1944 Session.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said resolution was then rejected.

The yeas and nays being required thereon by Messrs. J. Lee Moore and Cox, were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers	G. M. Knuckles	L. Allen Rhoads
Douglas T. Bolling	J. T. Linton	Wade H. Riley
J. C. Bradley	A. L. Love	H. G. Royalty
Marvin Cornett	Ed Marcum	Amos Runyon
Thos. S. Dawson	C. C. May	Carl Scheben
J. R. Dorman	Harry L. Moore	Leon J. Shaikun
T. H. Dyer	Herbert V. Moore	Jno. W. Simmons
Bernie S. Edlin	J. Lee Moore	E. A. Spencer
Dr. J. C. Gabbard	L. D. Moore	Arthur Stallard
Chas. B. Gentry	C. Sid Nabb	Joe Stewart
Clyde S. Howard	Jno. C. Newcomb	C. W. Taylor
J. J. Huff	H. C. Patterson	Roy L. Taylor
W. N. Hughes	J. Gip Prather	E. B. Thompson
W. H. Hunt	Edw. P. Prichard	Harry F. Walters
H. Clay Kauffman	C. R. Reeves	

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Those who voted in the negative were—

Chas. W. Anderson	Jas. P. Hallahan	L. W. Preston
Henry Arrowood	Claude Hammons	James E. Quill
F. H. Bassett, Jr.	B. C. Holbrook	F. W. Schuhmann
Isaac Blevins	Benton Howard	Vernon Seaton
Jno. W. Burkhart	Jerry F. Howell	Faust Y. Simpson
Chas. W. Burnley	Lee Johnson	George T. Smith
C. D. Call	Paul S. Jonas	Robt. J. Spaulding
Fred Carpenter	Wm. E. Justice	Geo. W. Steinford
Willis Champion	Homer E. Losey	Thos. M. Swope
Jno. H. Clarke, Jr.	Pearl McKinney	Egbert V. Taylor
A. Roy Copeland	Johnston Miller	H. Thieman, Jr.
John Henry Cox	W. B. Moser	Otis C. Thomas
John P. Craig	Coy C. Nevitt	John L. Trumbo
Fred Creasey	Joe E. Nunn	S. J. Wagner
Adron Doran	Chester Peterson	H. L. Waterfield
Franklin Goins	Albert W. Pfeiffer	R. E. West
J. D. Gross	Sylvester Phillips	Taylor Witt
R. M. Hall	James T. Philpott	

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Mr. Simpson moved that the vote by which said resolution was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from Orders of the Day, a bill entitled:

H. B. 8. An Act relating to the operation of school buses and other motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.600 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to and from school. All drivers and all operators of school buses shall meet the requirements of law and the rules and regulations of the State Board of Education for school bus drivers and operators. Any violation of the rules and regulations of the State Board of Education for school bus drivers and operators shall be subject to the penalty prescribed for violation of this section. No person under the age of twenty-one shall drive any other motor vehicle while it is in use as a public passenger carrying vehicle.

Mr. Philpot offered the following amendment to said bill, viz.:

Amend H. B. 8 by adding at the end thereof the following section:

The provisions of this bill shall apply only for the duration of the war and six months thereafter.

Said amendment was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 9. An Act relating to education.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of any sums in the General Fund not already appropriated the sum of $3,000,000 for the purpose of supplementing the salaries of teachers employed in the public elementary and secondary schools of Kentucky for the school year beginning July 1, 1943, and ending June 30, 1944. The funds so appropriated shall be distributed to each school district by the Superintendent of Public Instruction as a supplement to the common school fund appropriated in Item 18 (e) of Part One-A of Chapter 1 of the Acts of the General Assembly of 1942 for the 1943-44 school year. They shall be distributed in accordance with the law, and the rules and regulations of the State Board of Education made on the recommendation of the Superintendent of Public Instruction.

In making the distribution the Superintendent of Public Instruction shall use the official census figures for the state and for each school district used in the distribution of the common school fund for the 1943-44 school year.

The funds received by each board of education from this appropriation shall be so applied that each teacher of the district shall receive the same amount of increase on the monthly basal salary schedule for the school year 1943-44.

The appropriation provided herein shall be exempt from all provisions of law relating to teacher retirement, Section 161.220 to and including Section 161.710, Kentucky Revised Statutes, 1942 edition.

"Teacher", as defined in this Act, shall mean classroom teachers, principals, supervisors, or other certificated employees included in the official salary schedule as adopted by

the school district and approved by the State Board of Education for the 1943-44 school year.

WHEREAS, the funds appropriated by this Act supplement the salaries of teachers for the school year 1943-44, and

WHEREAS, if the effective date of the Act is delayed many of the school terms will end before the funds can be distributed as required by the Act:

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective upon its approval by the Governor.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of any sums in the General Fund not already appropriated the sum of $3,000,000 for the purpose of supplementing the salaries of teachers employed in the public elementary and secondary schools of Kentucky for the school year beginning July 1, 1943, and ending June 30, 1944. The funds so appropriated shall be distributed to each school district by the Superintendent of Public Instruction as a supplement to the common school fund appropriated in Item 18 (e) of Part One-A of Chapter 1 of the Acts of the General Assembly of 1942 for the 1943-44 school year. They shall be distributed in accordance with the law, and the rules and regulations of the State Board of Education made on the recommendation of the Superintendent of Public Instruction.

In making the distribution the Superintendent of Public Instruction shall use the official census figures for the state

and for each school district used in the distribution of the common school fund for the 1943-44 school year.

The funds received by each board of education from this appropriation shall be so applied that each teacher of the district shall receive the same amount of increase on the monthly basal salary schedule for the school year 1943-44.

The appropriation provided herein shall be exempt from all provisions of law relating to teacher retirement, Section 161.220 to and including Section 161.710, Kentucky Revised Statutes, 1942 edition.

"Teacher," as defined in this Act, shall mean classroom teachers, principals, supervisors, or other certificated employees included in the official salary schedule as adopted by the school district and approved by the State Board of Education for the 1943-44 school year.

WHEREAS, the funds appropriated by this Act supplement the salaries of teachers for the school year 1943-44, and

WHEREAS, if the effective date of the Act is delayed many of the school terms will end before the funds can be distributed as required by the Act:

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall become effective upon its approval by the Governor.

Mr. Doran offered the following amendment to said Substitute, viz.:

Amend Committee Substitute for H. B. 9 on page 1, section 1, lines 10, 11 and 12 by eliminating therefrom the following language:

"and the rules and regulations of the State Board of Education made on the recommendation of the Superintendent of Public Instruction."

Said amendment was agreed to.

Mr. Doran moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Fred Carpenter	Adron Doran
F. H. Bassett, Jr.	Willis Champion	J. R. Dorman
W. G. Biggers	Jno. H. Clarke, Jr.	T. H. Dyer
Isaac Blevins	A. Roy Copeland	Bernie S. Edlin
Douglas T. Bolling	Marvin Cornett	Harry W. Ennis
J. C. Bradley	John Henry Cox	Dr. J. C. Gabbard
Jno. W. Burkhart	John P. Craig	Chas. B. Gentry
Chas. W. Burnley	Fred Creasey	Franklin Goins
C. D. Call	Thos. S. Dawson	J. D. Gross

R. M. Hall	Herbert V. Moore	Vernon Seaton
Jas. P. Hallahan	J. Lee Moore	Leon J. Shaikun
Claude Hammons	L. D. Moore	Jno. W. Simmons
B. C. Holbrook	W. B. Moser	Faust Y. Simpson
Benton Howard	C. Sid Nabb	George T. Smith
Clyde S. Howard	Jno. C. Newcomb	Robt. J. Spaulding
Jerry F. Howell	Joe E. Nunn	E. A. Spencer
J. J. Huff	H. C. Patterson	Arthur Stallard
W. N. Hughes	Chester Peterson	Geo. W. Steinford
W. H. Hunt	Albert W. Pfeiffer	Joe Stewart
Lee Johnson	Sylvester Phillips	Thos. M. Swope
Paul S. Jonas	James T. Philpott	C. W. Taylor
Wm. E. Justice	J. Gip Prather	Egbert V. Taylor
H. Clay Kauffman	L. W. Preston	Roy L. Taylor
G. M. Knuckles	Edw. P. Prichard	H. Thieman, Jr.
J. T. Linton	James E. Quill	Otis C. Thomas
Homer E. Losey	C. R. Reeves	E. B. Thompson
A. L. Love	L. Allen Rhoads	John L. Trumbo
Pearl McKinney	Wade H. Riley	S. J. Wagner
Ed Marcum	H. G. Royalty	Harry F. Walters
C. C. May	Amos Runyon	R. E. West
Johnston Miller	Carl Scheben	Taylor Witt
Harry L. Moore	F. W. Schuhmann	—95

Those who voted in the negative were—

Chas. W. Anderson —1

Resolved that the title thereof be as amended.

Mr. Doran moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the House resumed consideration of the bill which was under consideration at the hour the Special Order was taken up, to-wit a bill entitled:

H. B. 8. An Act relating to the operation of school buses and other motor vehicles.

With an amendment thereto as offered by Mr. Philpott, and adopted by the House.

(For bill and amendment see House Journal of to-day ante).

Mr. Hammons moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Fred Carpenter	Thos. S. Dawson
W. G. Biggers	Willis Champion	Adron Doran
Isaac Blevins	Jno. H. Clarke, Jr.	J. R. Dorman
Douglas T. Bolling	A. Roy Copeland	T. H. Dyer
J. C. Bradley	Marvin Cornett	Bernie S. Edlin
Jno. W. Burkhart	John Henry Cox	Harry W. Ennis
Chas. W. Burnley	John P. Craig	Dr. J. C. Gabbard
C. D. Call	Fred Creasey	Chas. B. Gentry

J. D. Gross	Johnston Miller	Leon J. Shaikun
R. M. Hall	Harry L. Moore	Faust Y. Simpson
Claude Hammons	Herbert V. Moore	George T. Smith
B. C. Holbrook	J. Lee Moore	Robt. J. Spaulding
Benton Howard	L. D. Moore	Geo. W. Steinford
Clyde S. Howard	W. B. Moser	Joe Stewart
Jerry F. Howell	C. Sid Nabb	Thos. M. Swope
J. J. Huff	Coy C. Nevitt	C. W. Taylor
W. N. Hughes	Jno. C. Newcomb	Egbert V. Taylor
W. H. Hunt	Chester Peterson	Roy L. Taylor
Lee Johnson	Sylvester Phillips	H. Thieman, Jr.
Paul S. Jonas	James T. Philpott	Otis C. Thomas
Wm. E. Justice	J. Gip Prather	E. B. Thompson
H. Clay Kauffman	Edw. P. Prichard	John L. Trumbo
G. M. Knuckles	James E. Quill	S. J. Wagner
J. T. Linton	L. Allen Rhoads	Harry F. Walters
Homer E. Losey	Amos Runyon	R. E. West
A. L. Love	Carl Scheben	Taylor Witt
Ed Marcum	F. W. Schuhmann	
C. C. May	Vernon Seaton	—82

Those who voted in the negative were—

Chas. W. Anderson	H. C. Patterson	H. G. Royalty
F. H. Bassett, Jr.	Albert W. Pfeiffer	Jno. W. Simmons
Franklin Goins	L. W. Preston	E. A. Spencer
Pearl McKinney	C. R. Reeves	Arthur Stallard
Joe E. Nunn	Wade H. Riley	

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Resolved that the title thereof be as aforesaid.

Mr. Doran moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the Rules of this House be suspended for the purpose of offering a resolution.

Said motion was agreed to.

Thereupon Mr. J. Lee Moore offered a resolution entitled:

H. Res. 23. Resolution urging the Congress of the United States to pass a uniform Federal measure to provide the right to vote to all defenders of our country.

Said resolution is as follows, viz.:

A CONCURRENT RESOLUTION

WHEREAS, the Kentucky General Assembly is deeply grieved and greatly concerned by the action of the House Elections Committee of the National Congress in rejecting proposals for a Uniform Federal War Ballot for members of our Armed Forces, and

WHEREAS, the Kentucky General Assembly is unalterably committed that every effort should be made to provide that the 11,000,000 members of our Armed Forces have the right to vote at the earliest possible time, and

WHEREAS, the Kentucky General Assembly realizes that action by individual States cannot provide the right to vote for all defenders of our country, which is necessary to preserve the morale of our Armed Forces.

THEREFORE BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky, that we respectfully urge the Congress of the United States to overturn, by appropriate measures on the floors of the two branches, the action of the Election Committees in refusing to approve

a Uniform Federal War Ballot for members of the Armed Forces, and we further call on the members of the National Congress to pass, at the earliest possible moment, such a uniform Federal measure as will provide the right to vote to all defenders of our country, wherever they may be.

BE IT FURTHER RESOLVED that a copy of these resolutions be mailed by the Clerk of the House to the President of the United States, to the President of the Senate of the United States, to the Clerk of the House of Representatives of the United States, to Senator Alben W. Barkley, to Senator Albert B. Chandler, and to every member of the House of Representatives of the United States from Kentucky.

Said resolution was adopted.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Hammons.

H. B. 100. An Act relating to the marketing of livestock.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 261.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commissioner" means Commissioner of Agriculture, Labor and Statistics.

(b) "Department" means Department of Agriculture, Labor and Statistics.

(c) "Stockyard" means livestock yard, market place, concentration point or other place where livestock is bought and sold on a commercial basis, except that with respect to the regulation of scales it shall not include a stockyard which is posted and subject to regulation by the United State Secretary of Agriculture under the Packers and Stockyards Act of 1921 (42 Stat. 159), as amended, and regulations promulgated under that Act by the United States Secretary of Agriculture.

(2) This chapter does not apply to private sales of livestock between two individuals neither of whom engages in the business of livestock dealer or buyer.

§ 2. Section 261.020 of the Kentucky Revised Statutes is amended to read as follows:

The department shall administer this chapter and have general supervision over all stockyards and over all scales used by stockyards.

§ 3. Section 261.030 of the Kentucky Revised Statutes is amended to read as follows:

Every stockyard shall pay an annual license tax of fifty dollars, and an additional annual tax of ten dollars for each scale operated in excess of one, but the total license tax paid by any stockyard shall not exceed one hundred and fifty dollars in any year. The annual license tax shall be paid on July 1 of each year.

§ 4. A new section of the statutes is created, to be numbered KRS 261.035 and to read as follows:

Every person who purchases livestock in this state in the capacity of a livestock dealer or buyer shall procure a livestock dealer's license and pay an annual license tax of ten dollars. The tax shall be paid on or before July 1 of each year. The license shall be required of every person who engages in the partial or sole occupation of a livestock dealer or buyer.

§ 5. Section 261.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) The stockyard license shall be issued by the county clerk of the county in which the stockyard is located. The livestock dealer's license shall be issued by the county clerk of any county to which application is made for such license. The license shall be issued on license forms furnished by the department.

(2) The clerk shall receive a fee of one dollar for the issuance of each license, which fee shall be in addition to the license tax.

§ 6. Section 261.050 of the Kentucky Revised Statutes is amended to read as follows:

The county clerk shall not later than September 1 of each year, forward a report to the department of all stockyard and livestock dealer's licenses issued, and shall remit to the department, at the same time, the amount of license taxes collected.

§ 7. Six new sections of the Kentucky Revised Statutes are created to be numbered and to read as follows:

261.125 (1) Every stockyard shall remit to the department, with the monthly statements required by KRS 261.120, the sum of ten cents for each head of livestock received at

the stockyard for the purpose of sale during the preceding month.

(2) Of the sums so received, one-half shall be placed in a special deposit trust fund in the State Treasury for the purpose of reimbursing the owners of livestock for loss arising from the destruction of such livestock by fire while at a stockyard for the purpose of sale. Any owner of livestock who suffers such a loss may file with the department a sworn statement setting forth the circumstances under which the loss occurred, accompanied by the weighbill issued to such owner by the stockyard, and other data if necessary to show the number and grade of the livestock. Upon being satisfied that the applicant is entitled to reimbursement, the commissioner shall ascertain the prevailing market price of the particular grade of livestock in question in the area in which the loss occurred, on the day of the loss, and shall then certify a voucher to the Department of Finance for the amount to which the claimant is entitled. Upon receipt of such voucher the Commissioner of Finance shall issue his warrant on the State Treasurer in favor of the claimant, for payment out of the special deposit trust fund.

(3) The other one-half of the sums received by the department under subsection (1) of this section shall be placed in the State Treasury to the credit of the Department, and shall be available for use by the Department in defraying the expenses of administering this chapter.

261.140 No person shall operate a stockyard without first procuring a license from the county clerk as provided in KRS 261.030. No person shall open a stockyard on any day for the purpose of receiving or selling livestock unless he has obtained from the commissioner or an authorized agent of the department written permission to operate the yard on such day. The commissioner or such agent of the department may withhold permission for the operation of any stockyard on any

day if such stockyard does not conform to reasonable standards of sanitation or cleanliness prescribed by the commissioner.

261.150 The commissioner shall have the power to prescribe by regulation the hours during which sales of livestock at stockyards shall be conducted, which regulations may vary as to different stockyards according to the particular circumstances involved at each stockyard. Any agent or employe of the department who has written authority from the commissioner to act as a stockyard inspector shall have authority to designate the order in which various grades and pens of livestock shall be sold at any sale at a stockyard, and to cancel any sale where the conditions of sanitation and cleanliness do not meet the standards prescribed by the commissioner, or where any provision of this chapter or any authorized regulation prescribed by the commissioner is being violated.

261.160 (1) The commissioner shall have authority to prescribe reasonable regulations as to the sanitation and cleanliness of stockyards, including provisions for the vaccination, quarantine or segregation of livestock received at any stockyard.

(2) No swine shall be received at any stockyard unless there is presented to the operator of the stockyard, at the time of delivery of such swine to the yard, a certificate of a qualified veterinarian certifying that such swine are free of any communicable disease, except that swine may be received for the purpose of sale for immediate slaughter without such certificate if they are properly segregated and isolated so that any disease with which they are infected will not be communicated to other swine in the stockyard.

(3) No livestock purchased by the operator of a stockyard at a place other than his stockyard shall be brought in to his stockyard for resale unless such livestock are free of com-

municable disease and are so certified by a qualified veterinarian.

261.170 No chattels or merchandise other than livestock shall be sold at any stockyard on any day on which livestock are to be sold at such stockyard.

261.180 No operator of a stockyard, or agent or auctioneer employed by such operator, shall misrepresent the quality of any livestock being sold at such stockyard, or make any material misrepresentation of fact concerning such livestock.

261.190 The license money paid to the department under KRS 261.050 shall be placed in the State Treasurey to the credit of revolving fund to be used by the department in enforcing the provisions of this chapter.

§ 8. Section 261.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of this chapter for which no other penalty is prescribed by this section, or who violates any regulation authorized to be prescribed by the commissioner or department, or who fails to follow the authorized directions of any stockyard inspector, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than three months, or both.

(2) Any person who violates KRS 261.120 shall be fined not less than twenty-five dollars nor more than one hundred dollars. Each failure to report shall be a separate offense.

(3) Any owner, lessee, manager, or operator of any stockyard who attempts by any means to influence any weighman to falsely report the weight of any animal shall be fined not less than five hundred dollars nor more than one thousand dollars.

By Mr. Philpott.

H. B. 101. An Act relating to publications.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 436.110 of the Kentucky Revised Statutes is repealed.

§ 2. Section 436.120 of the Kentucky Revised Statutes is amended to read as follows:

KRS 436.090 and 436.100 do not apply to works of a scientific character or prevent book publishers or dealers from issuing and selling books of scientific character.

By Mr. Shaikun and Mr. Dawson.

H. B. 102. An Act to amend Sec. 91.320 KRS so as to permit the joint taking of schedules or lists of taxable property in cities of first class, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.320, Kentucky Revised Statutes, 1942 First Edition, is hereby amended and as amended reads:

(1) Every person owning or holding taxable property, either in his own right or as a fiduciary or agent, shall return to the assessor or his assistant a true list of all such property, stating the value of the personal property, upon blanks pre-

pared for that purpose by the assessor in the form prescribed by ordinance, and shall make oath before the assessor or his assistant,

However, if it be deemed expedient, the city assessor may mail, by postal card, appropriate notice to the last known address of the taxpayer and by agreement with the county tax commissioner receive the return of the said true list or schedule of all such taxable property in the office of the county tax commissioner simultaneously with the taking of such list or schedule for State and county purposes by the county tax commissioner, and under such arrangement the city tax assessor shall provide for such purpose a sufficient number of deputies to expeditiously perform such duties and they shall perform such duties in the office of the county tax commissioner during the period necessary to complete said duties. If such arrangement is made, both the city assessor and the county tax commissioner, and the deputies of each and either, are hereby empowered to administer any oath to the taxpayer, provided by law in connection with the return of any list or schedule, whether the property be located in the county outside the city or in the corporate limits of the city. The method of payment of salaries to said deputies engaged in said work shall not be affected by such arrangement.

If the office of the county tax commissioner is put to any additional expense by reason of the taking of such lists or schedules for city property, such additional expense shall be paid by the city.

Nothing in this act shall be construed as an acceptance by the city of the assessment of the county tax commissioner on property located in the city, but for the sole purpose of convenience and economy.

(2) If any such person fails to return a true list under oath, the assessor may, according to the best information he can obtain, assess the property.

(3) The police court shall, at the instance of the assessor, enforce by rule or process of contempt the return, under oath, of the list required by this section.

(4) The assessor shall each day make diligent search among the conveyances and probated wills recorded in the office of the county clerk and among the confirmations of sales in the courts, and shall also make personal inquiry in his yearly rounds about deaths among the owners of lands or improvements in the city.

(5) The assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the assessor information thereof within two days after the conveyance has been lodged for record. The assessor shall notify such purchasers of any taxes that remain unpaid and are a lien on the property bought.

Because of the shortage of manpower and the necessity for elimination of unnecessary duplication in the assessing functions of the city assessor and county tax commissioner, an emergency is declared and this act shall become effective immediately after its approval by the Governor.

By Mr. Shaikun and Mr. Schuhmann.

H. B. 103. An Act pertaining to registration for elections in cities of the first class, amending KRS 117.310.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 117.310 Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

117.310 Comparison of voter's signature with registration record; voting record.

(1) Prior to every primary, special, or regular election in a city of the first class, the County Clerk shall have prepared for each precinct of the city a Comparative Signature Book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The County Clerk shall follow the instructions of the Board of Registration Commissioners with respect to the exact form and makeup of the Comparative Signature Books and they shall be furnished and paid for in the same manner as other election paraphernalia. The County Clerk shall deliver the Comparative Signature Books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt thereof. Before a vote is cast by any person, at any primary, special, or regular, election in a city of the first class, he shall sign his name in the Comparative Signature Book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the Comparative Signature Book to the place where the County Clerk receives other election paraphernalia. The Board of Registration Commissioners shall have at that

place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the comparative Signature Book and secure a receipt therefor. The Board shall retain the Comparative Signature Books for such length of time, not less than six (6) months, as it deems necessary.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the board a record sheet of each person so sworn, showing the disposition made of each case. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

By Mr. Peterson and Mr. Phillips.

H. B. 104. An Act pertaining to cities of the first class amending KRS 91.010.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.010 Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

91.010 Fiscal year. The fiscal year of each city of the first class shall begin on the first day of July of each year and end on June 30 next following.

By Messrs. Peterson and Pfeiffer.

H. B. 105. An Act pertaining to institutions for children in counties having therein a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 201.030 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

(1) Upon appointment of the members, the board shall organize and elect officers. At the time of organization and annually thereafter, the board shall elect a chairman from its members.

(2) The board may select a superintendent for the home, and may fix his compensation in addition to maintenance for himself and his immediate family. The superintendent shall live at the home and serve at the pleasure of the board.

(3) The board may authorize the employment of other officers and employes necessary to carry on the work of the board and of the home, and shall fix their compensation at sums not exceeding the salary of the superintendent. The superintendent may employ and discharge the officers and employes of the institution, except parole officers.

Section 2. Section 201.180 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

(1) The fiscal year shall begin on the first day of July in each year and end on June 30 next following. During the month of May of each year the board shall prepare and certify two financial statements to the fiscal court and the city legislative body.

(2) One statement shall show the amount of money that the board estimates will be needed for the ensuing fiscal year for expenditure under KRS 201.160, and set forth in detail the sums needed for the different branches or departments of the expenditure. This statement shall also show the estimated balances which will be on hand at close of business June 30 of that year and available for expenditure during the next succeeding fiscal year under KRS 201.160, and shall indicate as nearly as possible any additional funds or assets, other than those derived from taxes, that will become available for expenditure during said fiscal year.

(3) The other statement shall set forth the estimated balances, inventories, funds, assets and expenditures under KRS 201.170, in the same manner and detail as is required in the statement described in subsection (2).

(4) The board shall also, upon request, furnish the fiscal court and city legislative body with any other information which it is possible for the board to furnish.

Section 3. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

By Mr. Hallahan.

H. B. 106. An Act relating to petty loans.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 288.150 of the Kentucky Revised Statutes of 1942 is amended as follows:

(1) Every licensee may lend any sum of money not exceeding three hundred dollars, and may charge, contract for, and receive thereon interest at a rate not exceeding two and one-half percent per month on any part of the unpaid principal balance of the loan not in excess of one hundred and fifty dollars and two percent per month on any remainder of the unpaid principal balance of the loan.

By Mr. Wagner.

H. B. 107. An Act relating to occupational license taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 137.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 137.040 to 137.110, unless the context otherwise requires:

(a) "Restaurant" means and includes all places or establishments in which hot food or hot drink, or both, is served to the general public.

(b) "Soft drinks" means any beverage of less than one-

half of one percent alcohol, whether bottled or from a fountain.

(c) "Theater" means any building in which public exhibitions or performances, including moving pictures, are given, and at which a charge is exacted from those attending.

§ 2. Subsections (3) and (6) of section 137.050 of the Kentucky Revised Statutes are repealed.

§ 3. Section 137.060 of the Kentucky Revised Statutes is amended to read as follows:

"Any person who engages in any of the businesses or exercises any of the privileges mentioned in subsection (1) of KRS 137.050 from a wagon, push cart, motor vehicle or other similar contrivance in which the articles named in that subsection are transported from place to place and sold therefrom shall procure a license from the county clerk in each county where the business is to be conducted or the privilege exercised for each such vehicle or contrivance so used in that county. Notwithstanding the provisions of KRS 137.090 and 137.100, the license shall give an apt description of the vehicle or contrivance from which the business is to be conducted or the privilege exercised. Whenever any person to whom a license referred to in subsection (1) of KRS 137.050 has been granted and who has paid the required license tax thereon shall change the vehicle or contrivance for which the license was originally granted, the county clerk may amend the license in accordance with regulations of the Department of Revenue to permit the continued operation of the business. For this amendment, the county clerk shall receive a fee of twenty-five cents from the licensee.

By Mr. Steinford.

H. B. 108. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.200 of the Kentucky Revised Statutes is amended to read as follows:

The director shall deliver to each county clerk, ten days before July 1 of each year, as many licenses, tags and forms as may be required, and charge each clerk for the number issued to him. On July 15 of each year, and within ten days after that, each county clerk shall return to the division all unused licenses, stubs and unused tags, which he has received for the preceding year. The licenses and tags shall specify the period for which they are issued, and all licenses, tags and permits shall expire on June 30 following the date of issuance.

§ 2. Any license, tag or permit issued under the provisions of Chapter 150 of the Kentucky Revised Statutes prior to the effective date of this Act, for the calendar year 1944, shall expire on June 30, 1944, but the persons to whom such license, tag, or permit was issued shall be entitled to a credit, on any license, tag or permit purchased by him for the license year beginning July 1, 1944, equal to one-half of the fee paid for the expired license.

§ 3. Subsection (2) of section 150.150 of the Kentucky Revised Statutes is amended to read as follows:

(2) All funds received under KRS 150.110 and 150.490 to 150.520 shall be used by the Game and Fish Division for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each fiscal year shall be turned into the general fund of the division.

By Mr. Preston.

H. B. 109. An Act relating to the Active Militia and providing for pay, medical treatment and funeral expenses of Active Militiamen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Revised Statutes 37.270 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

§ 2. If the death of any member of the Active Militia results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $250.00.

§ 3. The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $250.00 as allowed by Section 1 of this Act. All disbursements under Section 1, 2 and 3 of this Act shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

§ 4. If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney General to represent the member of the Active Militia in any civil proceedings so begun. If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

By Mr. Howell.

H. B. 110. An Act relating to the registration of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 117.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at an hour of any day that the office of the county clerk or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifteen days prior to any primary or general election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed. The county clerk and board of registration commissioners shall not again reopen their books for registration of voters or the re-registering or changing of party affiliation of voters until seven days after any primary or general election.

(2) In every county having a population of more than ten thousand, except those containing a city of the first class, the county clerk shall, during the period beginning thirty-five days before each primary election and before each general election, and ending fifteen days before such election, take registration forms, or cause them to be taken by a deputy, to not less than five cities or centers of population located in different parts of the county, such cities or population centers being visited in succession and not simultaneously. The clerk shall cause notice to be published in a newspaper having general circulation in each of such places, in two issues immediately preceding the day on which the registration forms will be taken to such place, stating the days on which the clerk or his deputy will have the registration forms at such place for the purpose of receiving registrations or changes of

party affiliation, and naming the building where the clerk or his deputy will have the forms available for such purpose. The clerk or his deputy shall remain at each place not less than one day, and shall remain one additional day for each one thousand of population in excess of one thousand for which such place constitutes a marketing center. Any person possessing the qualifications for registration as a legal voter in the county may appear before the clerk or his deputy during the period the registration forms are at such city or population center, and register or change his party affiliation. The expense of publishing the notices required by this subsection, and the traveling expenses of the clerk or his deputy necessarily incurred in complying with this section, shall be allowed and paid by the fiscal court. The board of education of any school district having a school building at any place visited by the county clerk or his deputy under this subsection shall, at the request of the county clerk or his deputy, provide adequate space in the school building, without charge, for the purpose of this subsection.

(3) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of the notice. If no protest is filed within the ten-day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's

registration record. No change of party affiliation shall be made except on those days when registrations are allowed under subsection (1) of this section.

By Mr. Prather.

H. B. 111. An Act relating to the marketing of tobacco.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise:

(a) "Warehouse" means any tobacco warehouse operating as a place of sale for tobacco in this state.

(b) "Warehouseman" means the owner, operator, manager, lessee or proprietor of a warehouse engaged in selling tobacco, and his agents and employes.

(c) "Department" means the Department of Agriculture, Labor and Statistics.

§ 2. The General Assembly finds as a fact that a monopoly exists in the operation of tobacco warehouses; that the operation of such warehouses is affected with the public interest; that such warehouses constitute public utilities; and that the regulation of such warehouses is in the public interest.

§ 3. (1) No warehouseman shall charge, for any of the following services, a sum in excess of the following amounts:

(a) Grading for basketing, ten cents per one hundred pounds.

(b) Weighing, ticketing and placing in line for sale, twenty cents per one hundred pounds.

(c) Selling at auction, with necessary bookkeeping, seventy cents per one hundred pounds (this to include one resale if the seller rejects the first sale).

(2) No warehouseman shall make a charge for any of the above services unless the services are actually performed by warehouse hands.

§ 4. Every warehouseman shall issue to each person for whom tobacco is sold, a sale bill itemizing in detail, and in plain terms, each service for which a charge is made. The warehouseman shall retain on file in his place of business a duplicate of each sale bill issued by him, and such duplicates shall at all times be open to inspection by the Commissioner of Agriculture, Labor and Statistics or any agent, employe or inspector of the department.

§ 5. The department shall administer and enforce the provisions of this Act. Inspectors employed pursuant to KRS 248.300 shall have power to make inspections at any warehouse for the purpose of enforcing this Act. No warehouseman shall refuse access to any inspector, employe or officer of the department who desires to inspect his warehouse or the duplicate sale bills provided for in section 4 of this Act. Funds accruing to the department under KRS 248.290 may be used for enforcing this Act.

§ 6. (1) The department shall cause to be printed a supply of placards, twenty-five inches by thirty inches in size, setting forth, in type as large as the size of the placard will allow, the services for which charges may be made and

the maximum charge for each service, as provided in section 1 of this Act. The department shall furnish to each warehouse a sufficient number of placards to enable the warehousemen to comply with the provisions of subsection (2) of this section.

(2) Every warehouseman shall keep posted, in conspicuous places in his warehouse, not less than ten of the placards provided for under subsection (1) of this section, one placard being posted in the sellers' waitingroom.

§ 7. (1) Any warehouseman who violates any of the provisions of this Act, shall, for each offense, be fined not less than ten dollars nor more than one hundred dollars.

(2) If the Commissioner of Agriculture, Labor and Statistics, after being called upon to do so by any tobacco grower, fails to perform any duty imposed upon the department with respect to the enforcement of this Act, he shall be deemed guilty of nonfeasance in office, and there shall be deducted from his salary an amount equal to one month's salary.

By Mr. Hunt.

H. Res. 22. Resolution for the benefit of Helen P. Rice of Greenville, Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth, the sum of eighty dollars and eighty-two cents ($80.82), and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of Mrs. Helen P. Rice.

WHEREAS, Mrs. Helen P. Rice, due to a clerical error, erroneously paid to the Commonwealth of Kentucky ad valorem taxes in the amount of eighty dollars and eighty-two cents ($80.82).

By Mr. C. W. Taylor.

H. Res. 24. Resolution authorizing D. G. Young of Beaver Dam, Kentucky, to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That, D. G. Young, of Beaver Dam, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Ohio Circuit Court for property damage caused by the alleged negligence on the part of the Department of Highways and its employes in the construction of a highway.

Said suit shall be in a sum not to exceed twelve thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence

upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Roy Taylor moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 19, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by Mr. Adron Doran, member of this House.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Fred Creasey	Jerry F. Howell
Henry Arrowood	Thos. S. Dawson	J. J. Huff
F. H. Bassett, Jr.	Adron Doran	W. N. Hughes
W. G. Biggers	J. R. Dorman	Lee Johnson
Isaac Blevins	T. H. Dyer	Paul S. Jonas
Douglas T. Bolling	Bernie S. Edlin	Wm. E. Justice
J. C. Bradley	Harry W. Ennis	H. Clay Kauffman
Jno. W. Burkhart	Dr. J. C. Gabbard	M. Kavanaugh
Chas. W. Burnley	Chas. B. Gentry	G. M. Knuckles
C. D. Call	Franklin Goins	J. T. Linton
Fred Carpenter	J. D. Gross	Homer E. Losey
Willis Champion	R. M. Hall	A. L. Love
Jno. H. Clarke, Jr.	Jas. P. Hallahan	Pearl McKinney
A. Roy Copeland	Claude Hammons	Ed Marcum
Marvin Cornett	B. C. Holbrook	C. C. May
John Henry Cox	Benton Howard	Johnston Miller
John P. Craig	Clyde S. Howard	Harry L. Moore

Herbert V. Moore	James E. Quill	Geo. W. Steinford
J. Lee Moore	L. Allen Rhoads	Joe Stewart
L. D. Moore	Wade H. Riley	Thos. M. Swope
W. B. Moser	H. G. Royalty	C. W. Taylor
C. Sid Nabb	Amos Runyon	Egbert V. Taylor
Coy C. Nevitt	Carl Scheben	Roy L. Taylor
Jno. C. Newcomb	F. W. Schuhmann	H. Thieman, Jr.
H. C. Patterson	Vernon Seaton	Otis C. Thomas
Chester Peterson	Leon J. Shaikun	E. B. Thompson
Albert W. Pfeiffer	Jno. W. Simmons	John L. Trumbo
Sylvester Phillips	Faust Y. Simpson	S. J. Wagner
James T. Philpott	George T. Smith	Harry F. Walters
J. Gip Prather	Robt. J. Spaulding	H. L. Waterfield
L. W. Preston	E. A. Spencer	R. E. West
Edw. P. Prichard	Arthur Stallard	Taylor Witt

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Wagner offered the following resolution, viz.:

Whereas, according to newspaper articles, as well as through the personal knowledge of the majority of the members of this General Assembly there is a great shortage of distilled spirits on the retail market in Kentucky, and

Whereas, the members of this General Assembly are not in position to know how many gallons of distilled spirits are in bonded warehouses, or in the hands of the wholesalers of the State, and

Whereas, according to a report of the Department of Revenue, in 1939-40 there were 39 wholesalers licensed in the state, while in 1942-43 there were 32 licenses issued, and during the same periods there were at first 98 licenses issued to distillers and rectifiers, while during the latter period the

State Revenue Department licensed 100 such distillers, a gain of two over the corresponding two years period of 1939-40, and

Whereas, according to this sale report in 1941-42 the state received in revenue from distilled spirits, case sale, $42,753.14, and in 1942-43 the state received $47,319.72, a gain of 10.7 percent, and

Whereas, the distilled spirits consumption revenue amounted to $2,906,746.05 while the amount received during 1942-43 amounted to $3,050,738.55, an increase of 5 percent, and

Whereas, the greatest revenue came from the distilled spirits production tax, for in 1941-42 these receipts amounted to $4,006,987.87, and in the 1942-43 period it was reduced to $1,105,653.96, a decrease of 72.4 percent, and

Whereas, according to this report the distilled spirits case sale was increased 10.7 percent, and the distilled spirits consumption was increased 5 percent, although the distilled spirits production was decreased 72.4 percent, and

Whereas, the reason for this great reduction has been said to have been caused by a Federal Government order in which the distilleries of the state were ordered to use their facilities for the purpose of manufacturing alcohol for war purposes, and

Whereas, no public statement insofar as many of our legislators have been able to ascertain has ever been made by either the distillers, our state or federal revenue departments, as to just how many gallons of distilled spirits are in bonded warehouses held by the distillers or in the possession of the wholesalers, and

Whereas, it has been stated in newspaper articles of the state covering a period of the last five years that the prop-

erties of many of the distilleries have been bought by what we term "foreign capital," thereby displacing the ownership from local or home capital or interests, and

Whereas, also according to newspaper stories, as well as statements made by radio announcers, there is a large "black market" of distilled spirits, or in plain words "Whiskey" in Kentucky, and where this liquor is coming from to supply this so-called "black market" no one seems to know, whether it comes from local distilleries, or is imported liquor from some other state is a matter of conjecture, and

Whereas it is reported that Kentucky bourbon whiskey is sold in other states for 100 percent less than what it costs Kentuckians to buy the same brand here at home, and

Whereas, our State Revenue Department in its annual report virtually says that it is unable to cope with the situation, and

Whereas, our State has been famed for many years through the fact that more and better Bourbon whiskey has been manufactured here than virtually all the other states in the country combined, while at this same time it is now virtually impossible for Kentuckians here at home to buy distilled spirits even for medicinal purposes, which of itself works a severe hardship and inconvenience upon them, and

Whereas, the acute liquor shortage throughout our state has already prompted and caused a large number of the retail licensees to close their businesses and will further cause more of them to close their businesses before next July 1, thereby depriving our citizens the right and privilege to purchase whiskey, as well as the resultant loss to the state in revenue, and as well as promoting and causing the spread of bootlegging, racketeering, and highjacketing with other evils incident thereto and to the legitimate sale of whiskey.

Therefore, be it resolved by the House of Representatives, that the Speaker of the House is hereby directed and empowered to request the Alcohol Liquor Control Committee No. 1 to make a thorough and exhaustive investigation of the problems of the alleged liquor shortage in our state with power to examine records and call witnesses for the purpose of questioning them relative to this reported shortage, and

Be it further resolved that this committee shall ascertain at the earliest date possible the amount of distilled spirits manufactured in the state by gallons and barrels, enumerated by the month and years, for a period of one year previous to the war and since war was declared on December 7, 1941, and

Be it also resolved that this committee be empowered to investigate just how many gallons and barrels of whiskey have been removed from the distilleries and bonded warehouses of the state; how many gallons were shipped to local wholesalers and retailers in the state, and how many gallons were shipped to foreign outlets, and

Be it still further resolved that this committee shall report their findings to this House at the earliest date possible so that proper legislation may be drawn and enacted at this session of the Legislature in order that the unreasonable and embarrassing situation may be relieved at an early date.

Said resolution was adopted.

Mr. Prichard moved that the Rules of this House be suspended for the purpose of extending the privilege of the floor to a delegation from the University of Kentucky.

Said motion was agreed to.

Thereupon a delegation of students from the University of Kentucky entered upon the floor of the House and extended

an invitation to the members of the House to attend the Illinois-Kentucky Basketball Game on February 7 at eight o'clock P. M.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

House Resolution 22—Claims
House Resolution 24—Claims
House Bill 100—Agriculture No. 2
House Bill 101—Committee on Printing
House Bill 102—Cities of the First Class
House Bill 103—Ways and Means
House Bill 104—Cities of the First Class
House Bill 105—Cities of the First Class
House Bill 106—Kentucky Statutes
House Bill 107—Revenue and Taxation
House Bill 108—Game and Fish
House Bill 109—Veterans
House Bill 110—Ways and Means

The following bills and resolutions were introduced, viz.:

By Mr. Swope.

H. B. 112. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.030 of the Kentucky Revised Statutes is amended to read as follows:

The amount of old age assistance which shall be granted to any needy aged shall be determined with due regard to the resources and requirements of the individual and the condi-

tions existing in each case and shall be sufficient, when added to all other income and support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with decency and health. Such old age assistance shall not be less than ten dollars nor more than thirty dollars for any month.

By Mr. Philpott.

H. B. 113. An Act relating to marriage licenses.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Before any county clerk shall issue a marriage license, he shall require both parties to exhibit to him birth certificates in proper form issued by the Division of Vital Statistics of the State Board of Health or the corresponding agency of another state, showing the parties to be of the legal age required for marriage.

§ 2. Any county clerk who violates the provisions of section one of this Act shall be fined not less than one hundred nor more than five hundred dollars.

By Mr. Howard.

H. B. 114. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.360, and subsection (7) of section 132.990, of the Kentucky Revised Statutes are repealed.

By Mr. Biggers.

H. B. 115. An Act relating to the solemnization of marriages.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 402.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Marriage shall be solemnized only by:

(a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;

(b) Judges and clerks of the county court, judges of the police court and such justices of the peace as the Governor or the county court authorizes; or

(c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

(2) At least two persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

By Messrs. Ennis, Egbert V. Taylor, Stewart and Preston.

H. B. 116. An Act relating to State Parks.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Division of Parks in the Department of Conservation is hereby authorized and it shall be its duty immediately upon the passage of this Act to open negotiations to acquire as a State Park a tract of land known as the Simon Bolivar Buckner Farm-Glen Lily. This tract of land of approximately nine hundred and twenty (920) acres, or so much thereof as the said Division may secure or deem wise to acquire to be conveyed for the purpose of this Act, is located near Munfordville, Hart County, Kentucky.

§ 2. The sum of thirty thousand dollars ($30,000.00), or so much thereof as said Division may determine to be a reasonable expenditure for said tract of land and for the improvement and repair of said property, is hereby appropriated to the Simon Bolivar Buckner Revolving Fund to be paid from the surplus of funds in the Treasury in excess of the total appropriation in either 1944-45 or 1945-46. Said Division is hereby authorized to make all arrangements for acquiring the property upon reasonable terms within the limits of this appropriation. The sum which is determined by said Division to be paid for said tract of land shall not be withdrawn from the Treasury until a deed conveying fee simple title to the Commonwealth, free from all encumbrances, has been executed and delivered to said Division and the title to said land conveyed has been examined by the Attorney General.

By Mr. Seaton.

H. B. 117. An Act authorizing the Commonwealth of Kentucky, Department of Highways, Counties, and municipalities to condemn land and materials.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commonwealth of Kentucky, Department of Highways, counties and municipalities are hereby given the right to proceed as authorized in KRS 416.120 when condemning land and materials for the construction and improvement of public roads and bridges.

(2) Such procedure shall be an additional and alternative method of condemnation to that provided in KRS 416.010 to 416.080.

By Mr. Seaton.

H. B. 118. An Act amending and re-enacting KRS Section 176.020 creating the Division of Rural Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 176.020 Subsection (2) of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(2) The department shall be divided into the Division of Construction, a Division of Records, a Division of Equipment, a Division of Maintenance, a Division of Rural Highways, and a Division of Highway Patrol. Each division shall perform the duties assigned it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

By Mr. Seaton.

H. B. 119. An Act to grant the powers of peace officers to the Division of Highway Patrol, except in civil cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Director of the Division of Highway Patrol and all appointees assigned to patrol or police duties are hereby declared to be peace officers with jurisdiction coextensive with the State, except in incorporated cities. In incorporated cities they shall exercise only the powers relating to highways and motor vehicles as now or hereafter authorized by law, unless requested by the proper authorities of the city to exercise the additional powers herein granted; provided, however, the power to serve writs in civil cases is not granted hereby.

By Mr. Love.

H. B. 120. An Act validating acts done and action taken by certain cities under an erroneous classification.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The General Assembly finds as a fact that the cities of Benton, Marshall County, Corydon, Henderson County, Southgate, Campbell County, and Springfield, Washington County, which were classified as cities of the fifth class prior to the enactment of Chapter 177 of the Acts of 1942, were inadvertently omitted from the classification of cities of the fifth class made by said Act of 1942, and that it was not the intent of the General Assembly to reclassify such cities. Therefore, any act done or action taken by such cities, after the effective date of Chapter 177 of the Acts of 1942, under the statutes relating to cities of the fifth class, and in the belief of the city authorities that such cities were cities of the fifth

class, is hereby validated the same as if such cities were, at the time, cities of the fifth class.

By Mr. West.

H. B. 121. An Act prescribing selling charges for leaf tobacco.

Bill withdrawn by Mr. West with consent of House.

By Mr. Ennis.

H. B. 122. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees for licenses for residents of Kentucky shall be as follows:

(a) Fishing License $1.00

(b) Seining license and one tag for one hundred feet of seine or part thereof 5.25

(c) Additional tags per one hundred feet of seine or part thereof 2.00

(d) Hoop net license 1.25

(e) Each additional hoop net 1.00

(f) County hunting license 1.00

A county hunting license authorizes the holder to hunt within the boundaries of the county for which it is issued and the holder need not be a resident of such county.

(g) State-wide hunting license 3.00

A State-wide hunting license authorizes the holder to hunt in any county without paying any additional fee.

(h) Trapping license 1.00

(i) Fur buyers or dealers 2.00

(j) Live bait dealers 2.00

(k) Ferret permit 2.00

§ 2. Subsection (1) of section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with seine, but the seine shall not be more than fourteen feet in length and four feet in width or height, with mesh not larger than one-fourth inch. Any fish caught which are excluded from the definition of minnows in KRS 150.010 shall be immediately returned without injury to the water from which they are taken.

By Mr. Biggers.

H. B. 123. An Act pertaining to fishing with pole and line without a license.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amend sub-section (c), section 1, Kentucky Revised Statutes of 1942 150.170 by striking out that part of the section which reads:

"or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein"

and substituting therefor the following language:

"No fishing license fee shall be charged to any person for fishing in waters within this state flowing in natural channel streams with pole and line and a single hook."

Also adding to the end of the section 150.170 the following:

"All laws and parts of laws in conflict with this section are hereby repealed."

By Mr. Howell.

H. B. 124. An Act pertaining to Teachers Colleges.

Bill withdrawn by Mr. Howell with unanimous consent of House.

By Mr. Howell.

H. B. 125. An Act pertaining to Teachers Colleges.

Bill withdrawn by Mr. Howell with unanimous consent of House.

By Mr. Bassett.

H. Res. 25. A Joint Resolution appropriating from the General Fund the sum of $21.60 for the benefit of J. B. Clark, Hopkinsville, Kentucky.

Said resolution is an amendment to House Resolution 34.

Ordered that said bills and resolutions be printed and referred.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County and to be known as The Northern Kentucky State Vocational School.

By Mr. Carpenter of the Committee on Roads and Highways No. 1.

H. B. 24. An Act amending and re-enacting Sections 179.420 and 179.430 KRS relating to appropriations for county roads.

By Mr. Love of the Committee on Agriculture No. 2.

H. B. 38. An Act amending Section 256.010 K.R.S.

With Committee amendments thereto.

By Mr. Clarke of the Committee on Codes of Practice.

H. B. 52. An Act authorizing agreements consolidating oil and gas leases to be executed by trustees under court appointment.

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by Committees of persons of unsound mind.

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 5. An Act relating to registration fees for motor vehicles.

By Mr. Kauffman of the Committee on Courts.

H. B. 91. An Act relating to fees allowed County Clerk.

With the expression of opinion that said bills ought to pass.

Ordered that said bills be read the first time.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Runyon of the Committee on Education No. 2.

H. B. 27. An Act relating to annual leave and sick leave for teachers and other employees of the public school districts.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 66. An Act relating to the Department of Law.

H. B. 46. An Act relating to interest charges against guardians, committees and curators.

With a Committee amendment thereto.

H. B. 37. An Act relating to elections.

With a Committee amendment thereto.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 20, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North, of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. (Coke) Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
H. L. Waterfield
R. E. West
Taylor Witt

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill moved that when the House adjourns today, it adjourn to meet again on tomorrow at ten o'clock A. M.

Said motion was agreed to.

Mr. Howard moved that Miss Nancy Burke Waterfield, daughter of the Speaker of the House, be appointed an Honorary Page of the House.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Nabb of the Committees on Roads and Highways No. 2.

H. B. 42. An Act amending and re-enacting Sec. 179.420 and 179.430 KRS, and providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges shall be expended by the Department of Highways, etc.

By Mr. Miller of the Committee on Social Security.

H. B. 40. An Act relating to Old Age Assistance.

By Mr. Linton of the Committee on Insurance, Fire and Marine.

H. B. 79. An Act relating to Insurance.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 56. An Act relating to motor vehicle operators' license.

H. B. 33. An Act relating to the licensing of motor vehicles.

By Mr. May of the Committee on Criminal Law.

H. B. 65. An Act to amend subsec. 2 of Section 199.990 of KRS so as to increase the penalty for violating Section 199.990.

H. B. 59. An Act to amend and re-enact Section 183 of the Criminal Code of Practice.

By Mr. Shaikun of the Committee on Cities of the First Class.

H. B. 86. An Act enabling fiscal courts of counties containing cities of the first class on their discretion to purchase policies of insurance, etc.

H. B. 104. An Act pertaining to cities of the first class, amending KRS 91.010.

H. B. 105. An Act pertaining to children in counties having therein a city of the first class.

H. B. 102. An Act to amend Sec. 91.320 KRS so as to permit the joint taking of schedules or lists of taxable property.

By Mr. Call of the Committee on Compensation for Industrial Injuries.

H. B. 90. An Act relating to Workmen's Compensation.

By Mr. Kauffman of the Committee on Courts.

H. B. 91. An Act relating to fees allowed County Clerks.

With the expression of opinion that said bills ought to pass.

Ordered that said bills be read the first time.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Reeves of the Committee on Public Health.

H. B. 16. An Act to regulate and permit the practice of naturopathy.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County.

H. B. 24. An Act amending and re-enacting Sections 179.420 and 179.430 KRS relating to appropriations for county roads.

H. B. 38. An Act amending Section 256.010 KRS.

With Committee amendments thereto.

H. B. 52. An Act authorizing agreements consolidating

oil and gas leases to be executed by trustees under court appointment.

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by Committees of persons of unsound mind.

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom.

H. B. 5. An Act relating to registration fees for motor vehicles.

H. B. 91. An Act relating to fees allowed County Clerk.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length, having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The Speaker announced that he had referred bills previously introduced, as follows, viz.:

House Bill 111—Agriculture No. 1 and Agriculture No. 2
House Bill 112—Kentucky Statutes
House Bill 113—Courts
House Bill 114—Revenue and Taxation
House Bill 115—Courts
House Bill 116—State Parks

House Bill 117—Roads and Highways No. 1
House Bill 118—Roads and Highways No. 1
House Bill 119—Ways and Means
House Bill 120—Cities 2nd Class
House Bill 121—Agriculture No. 1 and Agriculture No. 2
House Bill 122—Game and Fish
House Bill 123—Game and Fish
House Bill 124—Teachers Colleges
House Bill 125—Teachers Colleges

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 37. An Act relating to elections.

With a Committee amendment thereto.

Mr. Huff moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 66. An Act relating to the Department of Law.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) The Attorney General in addition to the Assistant Attorneys General now allowed by law, shall, with the approval of the Railroad Commission of Kentucky, appoint an Assistant Attorney General for the Railroad Commission

who shall serve for the term of the Attorney General making the appointment, unless sooner removed by him. He shall be at least thirty (30) years of age, and shall be a licensed, practicing attorney of this State, and with eight (8) years of experience in the practice of law, and shall be an attorney also licensed to practice before the Interstate Commerce Commission, with at least four (4) years of experience in practicing before that Commission.

(2) He shall give all necessary time to the business connected with the Railroad Commission and the Commonwealth of Kentucky in all rate litigation and hearings, advise the said Commission and its members, officers or employees, when requested, under the authority of the Attorney General. The Assistant Attorney General shall, under the authority of the Attorney General, perform other duties connected with the office of the Attorney General when his time is not required by the Railroad Commission.

(3) The Assistant Attorney General shall receive a salary fixed by the Railroad Commission, with the approval of the Attorney General, in a sum not to exceed Four Thousand Five Hundred Dollars ($4,500.00) per annum. His salary and necessary expenses shall be paid by the Railroad Commission out of its appropriation, in monthly installments. He shall be entitled to the services of a stenographer at a salary of not to exceed Two Thousand One Hundred Dollars ($2,100.00) per annum, to be determined by the Commission, with the approval of the Attorney General.

§ 2. For the purpose of paying the compensation of the Assistant Attorney General and stenographer, and expenses provided for in this Act, there is appropriated to the Railroad Commission out of the General Expenditure Fund for each of the fiscal years 1944-1945, and 1945-1946, the sum of Seven Thousand Dollars ($7,000.00), this to be in addition

to any other appropriation made to the Railroad Commission of Kentucky for such years.

§ 3. WHEREAS, it is now impossible for the Attorney General's Office with its present number of Assistants to investigate, advise, prepare pleadings, attend hearings, prepare briefs, and participate in oral arguments that are now pending before the Interstate Commerce Commission, in which hearings and litigation the Railroad Commission and the shippers and rail carriers of Kentucky are interested, and demand immediate attention, an emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly, and signed by the Governor.

Mr. Hunt moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Chas. W. Burnley
Henry Arrowood	Douglas T. Bolling	C. D. Call
F. H. Bassett, Jr.	J. C. Bradley	Fred Carpenter
W. G. Biggers	Jno. W. Burkhart	Willis Champion

Jno. H. Clarke, Jr.	Wm. E. Justice	C. R. Reeves
A. Roy Copeland	M. Kavanaugh	L. Allen Rhoads
Marvin Cornett	G. M. Knuckles	Wade H. Riley
John Henry Cox	J. T. Linton	H. G. Royalty
John P. Craig	Homer E. Losey	Amos Runyon
Fred Creasey	A. L. Love	Carl Scheben
Thos. S. Dawson	Pearl McKinney	F. W. Schuhmann
Adron Doran	Ed Marcum	Vernon Seaton
J. R. Dorman	C. C. May	Leon J. Shaikun
T. H. Dyer	Johnston Miller	Jno. W. Simmons
Bernie S. Edlin	Harry L. Moore	Faust Y. Simpson
Harry W. Ennis	Herbert V. Moore	George T. Smith
Dr. J. C. Gabbard	J. Lee Moore	Robt. J. Spaulding
Chas. B. Gentry	L. D. Moore	Arthur Stallard
Franklin Goins	W. B. Moser	Geo. W. Steinford
J. D. Gross	C. Sid Nabb	Thos. M. Swope
R. M. Hall	Coy C. Nevitt	C. W. Taylor
Jas. P. Hallahan	Jno. C. Newcomb	Egbert V. Taylor
Claude Hammons	Joe E. Nunn	Roy L. Taylor
B. C. Holbrook	H. C. Patterson	H. Thieman, Jr.
Benton Howard	Chester Peterson	Otis C. Thomas
Clyde S. Howard	Albert W. Pfeiffer	E. B. Thompson
Jerry F. Howell	Sylvester Phillips	John L. Trumbo
J. J. Huff	James T. Philpott	S. J. Wagner
W. N. Hughes	J. Gip Prather	Harry F. Walters
W. H. Hunt	L. W. Preston	H. L. Waterfield
Lee Johnson	Edw. P. Prichard	R. E. West
Paul S. Jonas	James E. Quill	Taylor Witt

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Those who voted in the negative were—

H. Clay Kauffman Joe Stewart

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Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Nevitt moved that the Rules of this House be suspended for the purpose of extending the privilege of the floor to Mr. Porter Lashley of Grayson County, who is the father of Kentucky's famous quadruplets.

Said motion was agreed to.

Thereupon Mr. Nevitt introduced Mr. Lashley to the membership of the House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 46. An Act relating to interest charges against guardians, committees and curators.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 387.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If from any source a balance is owing by a guardian or committee at the end of any year, counting from the time of his appointment, which should have been invested or loaned out for the benefit of the ward in reasonable time but which remains in his hands, he shall be charged with interest from the end of the year in which the balance arose, and thereafter he shall be charged with interest compounded every two years.

(2) Guardians, curators and committees appointed and qualifying after June 24, 1906, shall be charged with the following rates of interest, to-wit: Where the amount received and held in trust does not exceed five thousand dollars, two percent; where the amount received and held in trust exceeds five thousand dollars, one and one-half percent.

(3) However, nothing in this section shall prohibit or prevent these fiduciaries from accounting for or being chargeable with sums in excess of the rates herein fixed realized upon any investment of trust funds made by the fiduciary.

Said amendments as proposed by the Committee are as follows, viz.:

1. Amend H. B. 46 on page 2 by adding a new section following line 18, as follows:

Sec. 2. With respect to guardians, curators and committees serving at the time this Act takes effect, the rates of interest provided for in subsection (2) or section 387.270 of the Kentucky Revised Statutes of 1942 shall apply up to the time this Act takes effect, but thereafter the rates provided by said subsection as amended by this Act shall apply.

2. Amend H. B. 46 on page 1, section 1, lines 10 and 11 by striking the words and figures "appointed and qualifying after June 24, 1906,"

Said amendments were each agreed to.

Mr. Preston offered the following amendments to said bill, viz.:

3. Amend H. B. 46 on page 1 section 2, line 13 by striking out the words "two per cent" and inserting in lieu thereof the words "three per cent"

4. Amend 46 on page 1, section 2, line 14 by striking out the words "one and one-half per cent" and inserting in lieu thereof the words "two and one-half per cent."

Said amendments were each agreed to.

Mr. Kauffman offered the following amendment to said bill, viz.:

5. Amend H. B. 46 on page 1, section 2, line 10 by adding the word "trustee" after the word "curator."

Said amendment was agreed to.

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays having been taken on said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. G. Biggers	J. C. Bradley
Henry Arrowood	Isaac Blevins	Jno. W. Burkhart
F. H. Bassett, Jr.	Douglas T. Bolling	Chas. W. Burnley

C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Love of the Committee on Agriculture No. 2 to which the same had been committed, reported a resolution entitled:

H. Res. 21. A Concurrent resolution urging Congress of the United States to pass appropriate legislation providing for the conservation of the meat supply of the nation and for adequate and reasonable regulations concerning the marketing of pork.

With the expression of opinion that said resolution ought to pass.

(For resolution see House Journal of January 17).

Said resolution was then adopted.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled resolutions which originated in this House, entitled:

H. Res. 1. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate and the sum of $750.00 for a contingent fund for the Clerk of the House.

H. Res. 2. Resolution providing additional compensation for House and Senate employees.

H. Res. 3. Resolution providing for the purchase of "The Legislative Digest."

Thereupon all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of the House deliver said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolutions, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

Mr. Kauffman moved that the vote by which the House agreed to reconsider the vote by which a bill entitled:

H. B. 46. (For title see Journal of today ante)

was passed and that motion laid upon the table, be reconsidered.

Without objection, said motion was agreed to.

Thereupon Mr. Kauffman moved that the vote by which said bill was passed, be reconsidered.

Without objection, said motion was agreed to.

Mr. Kauffman moved that the vote by which the Previous Question was ordered, be reconsidered.

Without objection, said motion was agreed to.

Mr. Kauffman moved that the vote by which amendment No. 5 to H. B. 46 was agreed to, be reconsidered.

Said motion was agreed to.

Thereupon Mr. Kauffman offered the following amendment in lieu of Amendment No. 5 previously offered by him, viz.:

(For amendment No. 5 to H. B. 46 see Journal of today ante).

6. Amend H. B. 46 by adding the word "trustee" after the word "committee" wherever it occurs in said bill.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. H. Clarke, Jr.	Harry W. Ennis
F. H. Bassett, Jr.	A. Roy Copeland	Dr. J. C. Gabbard
W. G. Biggers	Marvin Cornett	Chas. B. Gentry
Isaac Blevins	John Henry Cox	Franklin Goins
Douglas T. Bolling	John P. Craig	J. D. Gross
J. C. Bradley	Fred Creasey	Jas. P. Hallahan
Jno. W. Burkhart	Thos. S. Dawson	Claude Hammons
Chas. W. Burnley	Adron Doran	B. C. Holbrook
C. D. Call	J. R. Dorman	Benton Howard
Fred Carpenter	T. H. Dyer	Clyde S. Howard
Willis Champion	Bernie S. Edlin	Jerry F. Howell

W. H. Hunt	Jno. C. Newcomb	Leon J. Shaikun
Lee Johnson	Joe E. Nunn	Jno. W. Simmons
Paul S. Jonas	H. C. Patterson	Faust Y. Simpson
Wm. E. Justice	Chester Peterson	George T. Smith
H. Clay Kauffman	Albert W. Pfeiffer	Robt. J. Spaulding
M. Kavanaugh	Sylvester Phillips	E. A. Spencer
G. M. Knuckles	James T. Philpott	Arthur Stallard
J. T. Linton	J. Gip Prather	Geo. W. Steinford
Homer E. Losey	L. W. Preston	Joe Stewart
A. L. Love	Edw. P. Prichard	C. W. Taylor
Pearl McKinney	James E. Quill	Egbert V. Taylor
Ed Marcum	C. R. Reeves	H. Thieman, Jr.
C. C. May	L. Allen Rhoads	Otis C. Thomas
Johnston Miller	Wade H. Riley	E. B. Thompson
Harry L. Moore	H. G. Royalty	John L. Trumbo
J. Lee Moore	Amos Runyon	Harry F. Walters
L. D. Moore	Carl Scheben	R. E. West
W. B. Moser	F. W. Schuhmann	Taylor Witt
C. Sid Nabb	Vernon Seaton	

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Mr. Kauffman offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 46 by adding the word "trustee" after the word "curator".

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Simpson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objections, the following bills were introduced, viz.:

By Mr. Gross.

H. B. 126. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.010 to 205.080, unless the context requires otherwise:

(1) "Old age assistance" means money payments and such services as may be necessary to provide for the welfare of the needy aged;

(2) "Needy aged" means an aged person who is unable to provide himself, or who does not have otherwise provided for him a reasonable subsistence compatible with decency and health, and who may, or may not, need the services of others in making social adjustments for his welfare, but does not include any person whose income from all sources is more than fifty dollars per month;

(3) "Applicant" means a person who has applied for old age assistance under KRS 205.010 to 205.080;

(4) "Recipient" means a person who is receiving old age assistance under KRS 205.010 to 205.080;

(5) "Department" means the Department of Welfare.

§ 2. Section 205.020 of the Kentucky Revised Statutes is amended to read as follows:

Old age assistance shall be granted to any needy aged who:

(1) Has attained the age of sixty-five;

(2) Has been a resident of the state for five of the last nine years and for one year immediately preceding the application for old age assistance;

(3) Is a citizen of the United States;

(4) Is not at the time of receiving old age assistance an inmate of any public or private institution except for temporary medical or surgical care in a hospital; and

(5) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for old age assistance.

§ 3. Section 205.030 of the Kentucky Revised Statutes is amended to read as follows:

The amount of old age assistance which shall be granted to any needy aged shall be determined with due regard to the resources and requirements of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with decency and health. Such old age assistance shall not be less than thirty dollars for any month.

By Mr. Gross.

H. B. 127. An Act relating to excise taxes on alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 243.790 of the Kentucky Revised Statutes is amended to read as follows:

The sale or distribution of alcoholic beverages manufactured in or imported into this state for shipment permanently out of the state, to be sold through retail outlets without the state, and consumed without the state, shall be subject to the tax imposed by KRS 243.720. The Department of Revenue shall prescribe regulations necessary for the enforcement of this section and for the separate accounting for the revenue derived therefrom.

§ 2. All revenue received by the state under the provisions of KRS 243.790, as amended by this Act, is appropriated as follows:

(1) Forty percent to the Department of Welfare, to be used to supplement any other appropriation made by the General Assembly for old age assistance as provided in KRS 205.010 to 205.080.

(2) Forty percent to the Department of Education, to be used to supplement the Common School per Capita Fund for the payment of teachers.

(3) Twenty percent to the Department of Highways for distribution to those counties of Kentucky that have heretofore voted and now have bonded indebtedness against them, which bonded indebtedness was created for the purpose of building state highways, roads and bridges, such sum to be distributed among the various counties that have such bonded indebtedness on a pro rata basis. When such bonded indebtedness of each and all of the counties of Kentucky is fully paid off, the percentage of tax revenue hereby approp-

riated for such purpose shall thereafter be paid into the General Fund of the State Treasury.

By Mr. Rhoads.

H. B. 128. An Act relating to the Amusement Admission Tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 138.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.020 to 138.080, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Places of amusement or entertainment" means and includes all ball parks and stadia, lecture halls, dance halls, night clubs, skating rinks, public bathing places, and all places of other sorts, whether like the above mentioned or not, at which businesses providing amusements or entertainments, or both for which a charge is made are operated, but does not mean nor include moving picture theaters, race tracks subject to the supervision of the State Racing Commission, athletic contests in which one of the contesting teams is composed exclusively of representatives of educational institutions in this state, or public bathing places and swimming pools owned and operated by municipalities.

(3) "Professional entertainer" means and includes any person who receives pay in money or money's worth for his performance.

(4) "Proprietor" means and includes any person who owns, operates or manages a place of amusement or entertainment.

(5) "Sale" means and includes the transfer or exchange for valuable consideration of services of all classes and kinds.

By Mr. Rhoads.

H. B. 129. An Act providing compensation of attorneys appointed to defend poor persons in criminal prosecutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each attorney appointed by a circuit court to act as counsel for a defendant in a criminal prosecution in a circuit court shall be paid a fee deemed reasonable by the court, but in no case less than ten dollars, out of the State Treasury, for each such case in which he acts as counsel during the trial. Each new trial shall be considered as a separate case. The court that appoints the attorney shall, after the trial, enter an order allowing the attorney his fee.

§ 2. The fees allowed attorneys under Section 1 of this Act shall be paid out of the General Fund on presentation to the Department of Finance of a certified copy of the order of the circuit court allowing the fee. There is appropriated out of the General Fund, for the fiscal years 1944-1945 and 1945-1946, a sufficient sum to pay the allowances provided for by this Act. The Department of Finance is authorized to establish a separate account for the purposes of this Act and allocate to such account such amount as may reasonably be anticipated to be required for the purpose.

By Mr. Rhoads.

H. B. 130. An Act relating to local health officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) City health officers shall receive a reasonable compensation for their services, to be allowed by the legislative body of the city and to be paid as other city officers are paid.

(2) The health officer of counties that do not have a county department of health shall receive a reasonable compensation, the amount of which shall be fixed by the fiscal court at the time of, or immediately after, his election, and to be paid as other county officers are paid. In no case shall such health officer claim or receive from the county any compensation other than the salary fixed by the fiscal court.

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county board of health as approved by the state board of health. He shall receive necessary traveling expenses.

(4) Health officers of district departments of health shall be compensated in the same manner as health officers of counties having a department of health.

By Mr. Egbert V. Taylor.

H. B. 131. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 298.030 of the Kentucky Revised Statutes be and the same is hereby amended, so that said section as so amended shall read as follows, to-wit:

"298.030. *Types of insurance that may be written by a company authorized to do other than life business.* Any company authorized by law to engage in the business of insurance, other than life insurance, in this State, may write any of the following kinds of insurance;

(1) Fire insurance, which shall include insurance against loss or damage to property and loss of use and occupancy by fire, lightning, storm, hail, tempest, earthquake, frost or snow, explosion with fire ensuing or explosion with no fire ensuing, except explosion by steam boilers or flywheels; against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, or other apparatus, water pipes, plumbing or their fixtures, erected for extinguishing fires, and against accidental injury to such sprinklers, pumps or other apparatus, water pipes, plumbing or fixtures; against the risk of inland transportation and navigation upon vessels, freight, goods, money, effects, and money loaned on bottomry or respondentia; against the perils of the sea and other perils usually insured against by marine insurance; upon automobiles, whether stationary or operated under their own power, against loss or damage by any of the causes or risks mentioned herein, including also transportation, collision, liability for damage to property resulting from owning, maintaining, or using automobiles and including burglary and theft; and by and with the approval of the Director of Insurance against other loss or damage to property or interest therein the insurance against which is not exclusively delegated to another class or kind of company.

(2) Casualty and miscellaneous insurance, which shall include the following:

(a) Upon the health of persons, or against injury, disablement or death of persons resulting from traveling or general accidents by land or water, and against the liability of employers for injuries to persons in their employment.

(b) To guarantee the fidelity of persons holding places of public or private trust, and to act as surety on official bonds, and for the performance of other obligations.

(c) Upon the lives of horses, cattle, or other livestock.

(d) Upon plate glass against breakage.

(e) Upon steam boilers against explosion, and against loss or damage to life or property resulting therefrom.

(f) Against loss by burglary or theft, or both.

(g) To examine titles to real property and chattels real, to procure and furnish information in relation thereto, and to make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, and to guarantee or insure bonds and mortgages, and the owners of real property and chattels real, and others interested therein, against loss by reason of defective titles thereto, and other encumbrances thereon.

(h) To guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss or damage by reason of giving and extending credit to their customers and those dealing with them, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest it may have in any property by means of any loans that it may have made on mortgages.

(i) Upon automobiles and all other cars and vehicles, including public liability, property damage, collision, fire and burglary and theft insurance, and to insure the owners of such automobiles and all other cars and vehicles against such

losses as arise out of the ownership, operation or maintenance of the same, and generally to do and perform all other matters and things proper to promote these objects."

2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Mr. Egbert V. Taylor.

H. B. 132. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. It is hereby declared to be unlawful for any two or more insurance companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, directly or indirectly, to enter into any arrangement, contract, agreement, understanding, combination, or association to require, coerce, or induce any agent, or representative, of any two or more of such insurance companies within this Commonwealth, to refrain from representing any other insurance company, or companies, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein, or to offer or afford any advantage to such agent, or representative, for refraining from representing such other insurance company, or companies, or to impose, or threaten to impose, upon such agent, or representative, any penalty, or disadvantage, if he should agree to, or does, act as representative of such other insurance company, or companies, in this Commonwealth, or any part thereof.

2. It shall be unlawful for any insurance agent representing, or acting for, two (2) or more insurance companies authorized to write the same class, or classes, of risks in

this Commonwealth, and doing business herein, to enter, either directly or indirectly, into any agreement, arrangement, contract, or understanding with one (1) or more of such companies that he will refrain from representing in this Commonwealth, or any part thereof, any other insurance company, authorized to write the same class, or classes, of risks in this Commonwealth, and doing business herein.

3. Nothing herein contained shall be deemed, or construed, as declaring it to be unlawful for any insurance company authorized to write risks in this Commonwealth to enter into a bona fide contract with an agent whereby the latter agrees that he will thereafter represent said single company exclusively in this Commonwealth, or any part thereof, or as declaring that it shall be unlawful for any agent to enter into such a contract with a single insurance company.

4. For violation of any provision of this Act, the license of the offending company, or companies, or agent, to transact the business of insurance within this Commonwealth shall be suspended for a period of three (3) years. Whenever information of any such violation shall come to the knowledge, or be brought to the attention, of the Director of the Division of Insurance of this Commonwealth, he shall issue and cause to be sent by registered mail, with postage prepaid, to the company, or companies, and/or agent or agents, suspected, or accused of violating same, and to any person, who has, to the Director's knowledge, accused them of doing so, at their last known addresses, a notice fixing a day certain, not less than twenty (20), nor more than thirty (30) days from the date of issuance of said notice, upon which the company, or companies, or agent, accused or suspected of having violated same shall appear and show cause why its, his, her, or their license, or licenses, to transact the business of insurance in this Commonwealth should not be revoked for a period of three (3) years, which notice shall specify with reasonable

certainty the offense charged. If, after a hearing, held pursuant to said notice, the Director shall determine that any company, or the agent, thus notified to appear is guilty of violating the provisions of section 1 or 2 of this Act, he shall forthwith suspend the license of the company, or agent, so found guilty, to transact the business of insurance in this Commonwealth for a period of three (3) years. The hearing before the Director herein above provided for shall be public and at any such hearing any person, or corporation, having lodged information of any alleged violation with the Director, as well as the alleged offender, or offenders, shall have the right to be present, be represented by counsel, and introduce evidence as to whether the accused was, or was not, guilty of the offense charged. Within thirty (30) days after the issuance of an order by the Director suspending the license of any company, or agent, to transact the business of insurance in this Commonwealth for a period of three years, because in his opinion such company, or agent, has violated the provisions of Section 1 or 2 of this Act, the Company, or agent, whose license has been so suspended shall be entitled to appeal from the decision of the Director by suit brought in the Franklin Circuit Court, which Court shall hear the entire matter de novo and enter judgment in accordance with the law and the evidence presented to it on the trial of said cause.

3. All Acts, or parts of Acts, in conflict herewith are hereby repealed.

By Mr. Egbert V. Taylor.

H. B. 133. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 298.140 of the Kentucky Revised Statutes be and the same is hereby amended so that said Section, as so amended, shall read as follows, to-wit:

"298.140. *Credit for reinsurance.* (1) Except as provided in subsection (2) of this section, no credit of any kind shall be allowed as a reduction of liabilities to any stock insurance company transacting business other than life insurance in this State, for reinsurance made with reinsurers not authorized to issue policies in this State.

"(2) A company duly authorized under the laws of this State, upon filing a schedule of its reinsurance with insurers not authorized to do business in this State, shall be allowed proper credit and proper reduction in its liabilities for reinsurance ceded to and recoverable from such unauthorized insurers under any of the following circumstances; (a) where the Director has authorized the ceding company to reinsure with the unauthorized insurer; (b) where the unauthorized insurer meets the same standards of solvency as would be required for qualification as an insurer in this State; (c) where the ceding company withholds funds from the unauthorized insurer as security for the payment of the unauthorized insurer's obligations to the ceding company. Where credit is claimed for funds withheld, the amount of credit allowed in the case of reinsurance premiums ceded shall be the full amount of such premiums ceded with respect to which the net amount due to the reinsurer on such premiums has been withheld, and the amount of credit allowed in the case of reinsurance losses recoverable shall be the amount actually withheld as security for the payment of such losses."

2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Mr. Egbert V. Taylor.

H. B. 134. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Subsection 12 of Section 296.250 of the Kentucky Revised Statutes be and the same is hereby amended, so that said Section as so amended shall read as follows, to-wit:

"(12) The funds of every domestic insurance company, other than life, in excess of the aggregate amount of (a) the minimum capital required by law, and (b) Sixty (60%) Per Centum of the Company's liabilities, including its unearned premium reserve, as shown by its last Annual Statement on file with the Division of Insurance of this State, may be invested in the stock, or shares, bonds, or obligations, (including voting trust certificates, certificates of deposit, interim receipts, and other similar instruments, representing said stock, shares, bonds, or obligations) of any corporation, association, or other business unit, which is solvent at the time of their acquisition, provided, however, that not more than Ten (10%) Per Centum of the total assets of the company, as shown by its last Annual Statement on file with the Division of Insurance of this State, shall be invested in the stocks, or shares, bonds, or obligations of any corporation, association, or other business unit organized under the laws of, or domiciled in any foreign country, or political subdivision thereof, other than the Dominion of Canada, or any Province thereof."

2. All Acts and parts of Acts in conflict herewith are hereby repealed.

By Mr. Seaton.

H. B. 135. An Act to amend Kentucky Revised Statutes, 56.190.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Kentucky Revised Statute 56.190 be amended to read as follows:

"(1) Only vacant lands may be appropriated under KRS 56.200 to 56.240. Land that has escheated to the state, or has been forfeited for failure to list it for taxation or for non-payment of taxes, or has been legally and validly patented before, is not vacant land.

"(2) Every entry, survey, or patent is void in so far as it embraces land previously entered, surveyed, or patented, unless the previous entry, survey, or patent itself is void; in which case the first subsequent lawful entry, survey, or patent, whether issued before, on, or after the effective date of this Act, shall be valid and be accorded the same force and effect it would have been entitled to have been accorded, had the void entry, survey, or patent never been issued."

By Mr. Howell.

H. B. 136. An Act relating to the purchase of goods on credit.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person who obtains foodstuffs or clothing from a merchant, on credit, with intent to defraud the merchant, or who obtains credit for the purchase of foodstuffs or clothing by the use of any false pretense or false representation, shall be fined not more than two hundred dollars or imprisoned for not more than six months, or both. Proof that a person failed to pay for foodstuffs or clothing purchased from a merchant on credit, after the expiration of sixty days from the date as of which payment was agreed to be made, or, if there was no agreement as to the time of payment, after the expiration of sixty days from the date the purchase was made, and that during such period such person was employed and received compensation, or otherwise had a gross income, in an amount in excess of the amount for which credit was given, shall be presumptive evidence of fraudulent intent.

§ 2. The exemptions allowed by KRS 427.010 shall not apply against the claim of a merchant for food or clothing sold to a person on unsecured credit.

By Mr. Thompson.

H. B. 137. An Act relating to the Active Militia.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received when on duty or assembled therefor under competent authority or lawful order, which said injury shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Revised Statutes 37.270 and actual necessary expenses for care, hospitalization and medical attendance during the period of such

incapacity not exceeding ninety days from the date of receiving such injury. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

§ 2. If the death of any member of the Active Militia results from an injury received when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $250.00.

§ 3. The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $250.00 as allowed by Section 1 of this Act. All disbursements under Sections 1, 2 and 3 of this Act shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

§ 4. If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney General to repre-

sent the member of the Active Militia in any civil proceedings so begun. If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 21, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Presbyterian Church, North, of Frankfort.

The roll was called and the following members answered to their names, viz.:

F. H. Bassett, Jr.	Willis Champion	Adron Doran
W. G. Biggers	Jno. H. Clarke, Jr.	J. R. Dorman
Isaac Blevins	A. Roy Copeland	T. H. Dyer
Douglas T. Bolling	Marvin Cornett	Bernie S. Edlin
J. C. Bradley	John Henry Cox	Harry W. Ennis
Jno. W. Burkhart	John P. Craig	Dr. J. C. Gabbard
Fred Carpenter	Fred Creasey	Franklin Goins

J. D. Gross	Johnston Miller	Amos Runyon
R. M. Hall	Harry L. Moore	Carl Scheben
Jas. P. Hallahan	Herbert V. Moore	F. W. Schuhmann
Claude Hammons	J. Lee Moore	Vernon Seaton
B. C. Holbrook	L. D. Moore	Leon J. Shaikun
Benton Howard	W. B. Moser	Faust Y. Simpson
Clyde S. Howard	C. Sid Nabb	Robt. J. Spaulding
Jerry F. Howell	Coy C. Nevitt	E. A. Spencer
J. J. Huff	Jno. C. Newcomb	Arthur Stallard
W. N. Hughes	Joe E. Nunn	Geo. W. Steinford
W. H. Hunt	H. C. Patterson	Thos. M. Swope
Lee Johnson	Chester Peterson	C. W. Taylor
Paul S. Jonas	Sylvester Phillips	Egbert V. Taylor
Wm. E. Justice	James T. Philpott	Roy L. Taylor
H. Clay Kauffman	J. Gip Prather	H. Thieman, Jr.
M. Kavanaugh	L. W. Preston	Otis C. Thomas
G. M. Knuckles	Edw. P. Prichard	E. B. Thompson
J. T. Linton	James E. Quill	John L. Trumbo
Homer E. Losey	C. R. Reeves	Harry F. Walters
A. L. Love	L. Allen Rhoads	H. L. Waterfield
Pearl McKinney	Wade H. Riley	R. E. West
Ed Marcum	H. G. Royalty	Taylor Witt

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Swope asked unanimous consent of the House for the offering of a bill in lieu of H. B. 102 which was previously introduced by him.

Without objection, the request was granted.

Said bill was then sent to the Clerk's desk and replaced H. B. 102 which was withdrawn.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 42. An Act amending and re-enacting Sec. 179.420 and 179.430 KRS, and providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges shall be expended by the Department of Highways, etc.

H. B. 40. An Act relating to Old Age Assistance.

H. B. 79. An Act relating to Insurance.

H. B. 56. An Act relating to motor vehicle operators' license.

H. B. 33. An Act relating to the licensing of motor vehicles.

H. B. 65. An Act to amend subsec. 2 of Section 199.990 of KRS so as to increase the penalty for violating Section 199.990.

H. B. 59. An Act to amend and re-enact Section 183 of the Criminal Code of Practice.

H. B. 86. An Act enabling fiscal courts of counties containing cities of the first class on their discretion to purchase policies of insurance, etc.

H. B. 104. An Act pertaining to cities of the first class, amending KRS 91.010.

H. B. 105. An Act pertaining to children in counties having therein a city of the first class.

H. B. 102. An Act to amend Sec. 91.320 KRS so as to permit the joint taking of schedules or lists of taxable property.

H. B. 90. An Act relating to Workmen's Compensation

H. B. 91. An Act relating to fees allowed County Clerk.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 24. An Act amending and re-enacting sections 179.420 and 179.430 of the KRS, relating to state appropriations for county roads.

Mr. Miller moved that said bill be made a Special Order of the Day for Wednesday, January 26, at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act authorizing and providing for the purchase, leasing, renting or erection of buildings to be located in Kenton County.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Board of Education is hereby authorized and empowered to purchase, lease, rent or erect one or more buildings from funds available to it for that pur-

pose, to be located in Kenton County, Kentucky, and to be known as "Northern Kentucky State Vocational School."

Section 2. The said "Northern Kentucky State Vocational School" is hereby authorized to be established, conducted, maintained and operated by the State Board of Education, in accordance with Kentucky State Plans for Vocational Education to make available vocational training and education.

Mr. Wagner moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken on said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

W. G. Biggers	John Henry Cox	J. D. Gross
Douglas T. Bolling	John P. Craig	R. M. Hall
J. C. Bradley	Fred Creasey	Jas. P. Hallahan
Jno. W. Burkhart	Adron Doran	Claude Hammons
C. D. Call	J. R. Dorman	B. C. Holbrook
Fred Carpenter	T. H. Dyer	Benton Howard
Jno. H. Clarke, Jr.	Bernie S. Edlin	Clyde S. Howard
A. Roy Copeland	Dr. J. C. Gabbard	Jerry F. Howell
Marvin Cornett	Franklin Goins	J. J. Huff

W. N. Hughes	Coy C. Nevitt	George T. Smith
W. H. Hunt	Joe E. Nunn	Robt. J. Spaulding
Lee Johnson	Chester Peterson	E. A. Spencer
Paul S. Jonas	Albert W. Pfeiffer	Arthur Stallard
Wm. E. Justice	Sylvester Phillips	Geo. W. Steinford
H. Clay Kauffman	James T. Philpott	Thos. M. Swope
M. Kavanaugh	J. Gip Prather	C. W. Taylor
G. M. Knuckles	L. W. Preston	Egbert V. Taylor
J. T. Linton	Edw. P. Prichard	Roy L. Taylor
Homer E. Losey	James E. Quill	H. Thieman, Jr.
A. L. Love	C. R. Reeves	Otis C. Thomas
Pearl McKinney	L. Allen Rhoads	E. B. Thompson
Ed Marcum	H. G. Royalty	John L. Trumbo
Johnston Miller	Amos Runyon	S. J. Wagner
Harry L. Moore	Carl Scheben	Harry F. Walters
Herbert V. Moore	F. W. Schuhmann	R. E. West
L. D. Moore	Leon J. Shaikun	Taylor Witt
W. B. Moser	Jno. W. Simmons	
C. Sid Nabb	Faust Y. Simpson	—82

Those who voted in the negative were—

F. H. Bassett, Jr.	J. Lee Moore	—2

Resolved that the title thereof be as aforesaid.

Mr. Wagner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 5. An Act relating to registration fees for motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.050 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles, except those mentioned in subsections (1) and (2) and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee except as provided in subsections (4) to (8) shall be as follows:

Capacity	*Fee*
1,000 pounds or less	$ 10.00
1,000 to 2,000 pounds	22.00
2,000 to 3,000 pounds	40.00
3,000 to 4,000 pounds	52.00
4,000 to 5,000 pounds	63.00
5,000 to 6,000 pounds	71.00
6,000 to 7,000 pounds	93.00
7,000 to 8,000 pounds	112.00
8,000 to 9,000 pounds	138.00
9,000 to 10,000 pounds	187.00
10,000 pounds	230.00
Each additional ton or fraction of a ton over 10,000 pounds	25.00

(4) Any farmer owning a truck having a capacity of 3,000 pounds or less may have it registered as a farmer's

truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the capacity of 3,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in red letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm, and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the trucks or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during

the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(8) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

§ 2. Section 47.020 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

One-half of all revenue raised by the tax imposed by subsections (3) to (8) of KRS 186.050 shall be evenly distributed among all the counties for the county road funds.

Mr. Swope moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.
W. G. Biggers
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
Bernie S. Edlin
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Swope moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 52. An Act authorizing agreements consolidating oil and gas leases to be executed by trustees under court appointment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A trustee appointed by any circuit court of this state in cases where contingent future interests in land are involved may enter into a consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

Sec. 2. A consolidation agreement, within the provisions of this act, is an agreement which provides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portions thereof, so that the oil and gas leases or portions thereof embraced in such agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidated area shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive

a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

Sec. 3. (a) Upon the execution of such a consolidation agreement, the trustee shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3) disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the beneficiaries for whom such trustee is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian ad litem to represent the beneficiaries for whom such trustee is acting and whose interests are sought to be consolidated hereunder. The guardian ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvantages of such agreement, and shall make such recommendation to the judge relating to the agreement and he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in

vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 52 on page 2, section 3, line 18 by striking out the word "and" and inserting the word "as".

Said amendment was agreed to.

Mr. Rhoads moved that said bill be made a Special Order of the Day for Tuesday, January 25, at two o'clock P. M.

Said motion was agreed to.

Mr. Rhoads moved that bills entitled:

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by committees of persons of unsound mind.

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom where contingent future interests are involved.

Be made Special Orders of the Day, for Tuesday at two o'clock P. M.

Said motion was agreed to.

Without objections the following bills and resolutions were introduced, viz.:

By Mr. Shaikun.

H. B. 138. An Act relating to the licensing of operators of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 186.410 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that when amended and re-enacted it shall read as follows:

Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost one dollar, of which twenty-five cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640, five cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and expenses of administering KRS 186.400 to 186.640 and the remaining seventy cents and other moneys not otherwise distributed derived from the provisions of KRS 186.400 to 186.640 shall be paid into the State Treasury.

2. Section 186.420 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that when amended and re-enacted it shall read as follows:

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt

from an operator's license, when operating an official vehicle in the course of his service.

(3) Any person in the armed forces of the United States who has in his possession a Kentucky operator's license which was issued on or after May 26, 1941, may have such license extended without cost for the remainder of the National Emergency which was declared by proclamation of the President of the United States dated May 26, 1941, and six months thereafter, by presenting in person or forwarding such license together with return postage to the Circuit Court Clerk.

By Mr. Shaikun.

H. B. 139. An Act relating to contract and common carriers by motor vehicle.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.300 of the Kentucky Revised Statutes is hereby repealed, amended and re-enacted so that when amended and re-enacted it shall read as follows:

(1) No operator of a motor vehicle for hire shall permit such vehicle to be operated upon the public highways unless the driver or chauffeur thereof has obtained, and from time to time has renewed, in accordance with the requirements of the division, a certificate of the division to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience.

(2) The Circuit Clerk of each county shall:

(a) Act for the division for the purpose of issuing certificates and badges referred to in subsection (1) of this section.

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications.

(c) Report and remit to the division not later than the 10th day of the month following that in which the certificates were issued.

(d) Keep adequate records of all moneys collected and remitted to the division.

(e) Keep in his office at all times available to the division a record of all certificates issued in his county.

(3) The certificate shall cost two dollars, of which twenty-five cents shall be retained by the circuit court clerk to defray expenses of issuing the certificate and maintenance of records and the remaining one dollar and seventy-five cents shall be paid into the State Treasury. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession, and shall wear a badge, to be issued by the circuit clerk, indicating that he is a certified driver or chauffeur.

(4) The division may, for good cause, upon complaint or upon its own motion, revoke or suspend any such certificate, and the certificate and badge shall thereupon be returned to the division.

By Mr. C. W. Taylor.

H. B. 140. An Act relating to application blanks for motor vehicle licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and post office address, the name of the manufacturer of the motor vehicle, motor number, car or chassis number, if any, year model, horse power as rated by the Society of Automobile Engineers, motive power, style and, if the motor vehicle is a truck, the tonnage or load capacity as rated by the manufacturer and the wheelbase. Every application shall be accompanied by the appropriate fee.

By Mr. Runyon.

H. B. 141. An Act relating to the publication of financial statements by public officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties containing a city of the first class and counties and cities required by law to publish a quarterly or annual audit of their financial affairs, of the kind and character contemplated by this section, every public officer of any county, graded school district, city, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed. The statement shall show the amount of public funds collected and received, from what sources received, the amount disbursed, for what purpose expended and to whom paid. The officer

shall procure, and include in or attach to the report as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of public funds to the credit of the officer making the statement. The officer shall, within ninety days after the close of the fiscal year, cause the statement to be published in full in the newspaper published in the county that has the largest bona fide circulation therein, and shall file a written or printed copy of the statement, subscribed and sworn to, in the office of the county clerk of the county in which the officer holds office. The publications required by this section shall be made in the size of type provided by law and at the rate provided by law, and paid for out of the public funds in the hands of the officer making the statement.

(2) Any public officer who fails, refuses or neglects to comply with the provisions of this section shall be fined not less than fifty nor more than five hundred dollars. The fine shall be paid into the treasury of the county or city in which the convicted officer holds office.

By Mr. Justice.

H. B. 142. An Act relating to the registration and purgation of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county board of election commissioners of each county shall, in July of each year, appoint two persons, to be known as Registration and Purgation Clerks, for each election precinct in the county, other than those precincts that are located within a city of the first class. The clerks shall be appointed from the two political parties that polled the largest

number of votes in the state at the last preceding election for state officers, one clerk in each precinct to be from one of such parties and the other clerk from the other party. The county board of election commissioners shall appoint as such clerks persons who are qualified and competent to perform the duties required of such clerks.

§ 2. (1) On the day of the primary election held in each year, the Registration and Purgation Clerks shall be in attendance at the voting place during the hours of election, and shall have charge of the registration copy record forms and registration lists delivered to the precinct election clerk pursuant to KRS 117.110. They shall be provided by the sheriff with suitable table or desk space, and by the county clerk with the necessary supplies to enable them to perform their duties.

(2) The Registration and Purgation Clerks shall register, in the same manner and subject to the same provisions as are provided in KRS 117.060 to 117.080 for registration by the county clerk, any qualified person who presents himself for registration on the day of the primary election. In case the clerks cannot agree as to whether such person is entitled to be registered, they shall submit the matter to the sheriff of election, who shall have the deciding vote. The clerks may also change the party affiliation of any voter who makes application to them for that purpose. The registration of any person on the day of the primary election shall not entitle him to vote at such primary election, and the change of party affiliation by a person on the day of the primary election shall operate as a forfeiture of his right to vote at such primary election.

(3) The Registration and Purgation Clerks shall also act as purgation officers at the primary election. On receiving the affidavit of two qualified voters of the precinct, setting forth that any person whose name is on the registration lists

of such precinct has died, moved from the precinct, or for some other specified reason has become disqualified from voting in such precinct, the clerks shall enter the word "Purged" opposite the name of such person on the copy registration forms and registration lists, with a rubber stamp to be furnished by the county board of election commissioners, having letters one inch in height. In case the alleged ground of disqualification is removal from or lack of legal residence in the precinct, it must be set forth in the affidavit that the person does not own a dwelling in the precinct which he has at any time occupied as a home. The clerks shall not mark any name "Purged" unless both are satisfied as to the truth of the affidavit. In the case of any inability of the clerks to agree, the sheriff of the election shall have the deciding vote.

(4) Upon the close of the polls at the primary election, the Registration and Purgation Clerks shall deliver the registration copy record forms, registration lists and new registrations to the election officers, for delivery by them to the county clerk. Upon receipt of the same, the county clerk shall make the necessary changes on the permanent registration records in his office, including the preparation of triplicate lists as contemplated by KRS 117.080.

(5) Nothing in this section is intended to affect the powers and duties of the county clerk with regard to the registration of voters.

§ 3. The Registration and Purgation Clerks shall be entitled to the sum of three dollars each for their services on the day of the primary election, which sums shall be allowed and paid by the fiscal court.

§ 4. Any person who makes a false statement in an affidavit given under section (2) of this Act shall be confined in the penitentiary for not less than one year nor more than five years.

§ 5. Section 117.060 of the Kentucky Revised Statutes is amended to read as follows:

No person shall be registered by the county clerk outside of cities of the first class who does not personally appear before the county clerk at and within the time set out in KRS 117.050. If the voter is not known to the clerk, or if any bystander challenges the voter's right to register, the voter shall be sworn by the clerk and shall answer all questions asked him by the clerk or bystander touching his qualifications as a voter, or his right to be registered, and on the registration book opposite the name of the voter the clerk shall write the words, "sworn as to qualifications."

§ 6. Section 117.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the time of registration a voter outside of cities of the first class, the county clerk shall enter upon the original record form the name of the voter and all other information called for on the form. After the entries have been made, the voter shall write his signature upon both the original and copy record forms. If any applicant for registration states under oath that he cannot write his name, the clerk shall sign the registration record forms for such persons, and such person shall sign the records by making his mark thereon and the clerk shall attest the same. The clerk at the time of registering the voter or as soon thereafter as practicable, shall enter upon the copy record form the name of the voter together with all of the information appearing on the original record form, so that the copy form shall be an exact duplicate of the original, and shall at all times keep in a safe place in his office both the original and copy record forms, except that the copy forms shall be furnished to the election officers as provided in KRS 117.110. The original and copy record shall be filed in securely locked binders or card files, by precincts, in such systematic order as is prescribed by the board referred

to in KRS 117.070, and shall constitute the precinct registers to be used as provided in this chapter.

(2) Immediately after the closing of the registration books as provided in KRS 117.050, the county clerk shall prepare a list, in triplicate, of all registered voters in each precinct as shown by his registration books. The lists shall be furnished in triplicate to the election clerks as provided in KRS 117.110.

§ 7. Section 117.110 of the Kentucky Revised Statutes is amended to read as follows:

At the same time the county clerk delivers the ballots at each primary, special or regular election, he shall deliver to the precinct election clerk of each precinct the precinct register containing the copy record forms, after having first securely locked them in binders or containers, and a correct single-spaced typewritten list, in triplicate, of all voters then registered in the precinct and entitled to vote in the election, giving the name and address of each voter, each page of the list being separately attested by the county clerk. The election clerk shall give the county clerk a receipt for the precinct register. The election clerk shall cause the precinct register to be produced at the proper polling place in his precinct at the opening of the polls on election day, and he shall, at the opening of the polls, post one copy of the typewritten list outside the entrance to the voting place, and deliver one copy to the sheriff of the election, retaining the third copy for the use of himself and the judges of the election, except that in primary elections one copy of the registration list shall be delivered to the Registration and Purgation Clerks, instead of to the sheriff, and the copy record forms shall also be delivered to such clerks. At the close of the polls the election clerk shall deposit one copy of the list in the ballot box. The election officers who return the ballot boxes to the county

clerk's office shall at the same time return the precinct register to the county clerk and secure a receipt therefor.

§ 8. Subsection (3) of Section 117.120 of the Kentucky Revised Statutes is amended to read as follows:

(3) The clerk of each precinct, immediately after issuing the ballot to any voter at every regular election, shall indicate in the proper place on the registration record form that such person voted at the election. In primary elections, the clerk, immediately after issuing the ballot to any voter, shall advise the Registration and Purgation Clerks of such fact, and they shall indicate on the registration record form that such person voted.

§ 9. Subsection (2) of Section 117.270 of the Kentucky Revised Statutes is repealed.

§ 10. Sections 117.330 to 117.500 of the Kentucky Revised Statutes are repealed.

§ 11. Section 117.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of registration commissioners of each city of the first class shall cause a purging and correcting of the registration lists and records of the city for primary elections upon the request in writing of the county executive committee of either of the two political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in the primary. The purging and correcting shall be conducted as provided in this section.

(2) The board of registration commissioners of the city shall cause to be made a house to house canvass in each precinct of the city with respect to which a request has been made under subsection (1) of this section. The canvass shall be

made jointly by two investigators in each precinct, who shall be appointed by the board of registration commissioners ten days in advance of the date specified for the commencement of the canvass. One of the investigators shall be selected from each of the two political parties having representation upon the State Board of Election Commissioners. The board of registration commissioners may remove any investigator and appoint a substitute. The canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The board of registration commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct which he is to investigate, arranged in convenient order to facilitate investigation.

(3) The investigators for each precinct shall make a written report to the board of registration commissioners not later than the last day of the two-week period provided for making the canvass, giving the names and addresses of all persons properly registered in the precinct who are legally entitled to vote in the primary election to be held in that year. When the report of the investigators in any precinct agree that any person registered in the precinct is not legally entitled to vote at the election to be held in that year, the board of registration commissioners of the city shall remove, transfer or cancel such registration as the case may be, so as to make the record correspond with the report made by the investigators and to correct the registration record to the date of the report. No such change shall be made until after notice has been mailed by the board of registration commissioners to the person affected, at the address appearing upon the registration record on file in the office of the board, stating that it is the intention of the board of registration commissioners to change, transfer or cancel his registration unless protest is filed within five days in the office of the board of registration commissioners. If protest is filed, no such change

shall be made until the protestant has been given a reasonable opportunity to be heard at a hearing of the board of registration commissioners, at which hearing the right of the protestant to vote shall be determined by the board of registration commissioners.

(4) Each investigator provided for in this section shall receive for his services a sum not exceeding three dollars per precinct, to be paid by the fiscal court of the county.

§ 12. Section 117.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any citizen of a city of the first class may challenge the registration of any voter before any primary election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge, and shall be filed not later than five weeks prior to the primary election at the office of the board of registration commissioners of the city. The board of registration commissioners of the city shall conduct a hearing thereon at such time as it may fix, after notice has been personally served on the challenged voter, and shall decide the right of the challenged voter to vote in the primary election.

(2) Any citizen of a city of the first class or either city executive committee may challenge the registration of any voter before any regular election. The challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of challenge, and shall be signed by the challenger. The challenge shall be filed not later than five weeks prior to the regular election, at the office of the board of registration commissioners. The board shall conduct a hearing thereon at such time as it may fix, after notice has been personally served on the challenged voter. The board shall investigate each case before a hearing is held.

(3) The failure of any challenged voter to appear, after notice of challenge has been served upon him as provided in this section, shall be prima facie evidence that he is not entitled to be registered, and his registration record shall be canceled, transferred or suspended as the case may be.

§ 13. Section 117.550 of the Kentucky Revised Statutes is amended to read as follows:

No decision of the board of registration commissioners of a city of the first class, affecting the right of a voter to vote in any primary, regular or special election or removing, transferring, canceling or suspending his registration, shall be rendered by such board later than eight days before any election.

§ 14. Section 117.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person whose right to vote has been denied or whose name has been stricken from the registration lists or registration books, or who is otherwise aggrieved by any act in respect to his registration by the board of registration commissioners of a city of the first class, and any person or party executive committee that has challenged the registration of any voter and is aggrieved by any act of the board of registration commissioners of a city of the first class, may appeal from the board. The appeal shall be taken to any judge of the circuit court of the county in which the city is located. The appeal shall be taken by presenting to the judge a written statement of the act of the board complained of, and the grounds of the complaint. The statement shall be made on printed forms furnished by the board of registration commissioners. Before the appeal is taken, written notice shall have been given to the board complained of, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give

the board a reasonable opportunity to be present at such time and place.

(2) The appeals provided for by this section shall be perfected not less than five days prior to any primary, regular or special election, and if not perfected within that time no county or circuit judge shall have jurisdiction to hear the appeal.

(3) The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented and endorse on the statement of complaint an order disposing of it. The action of the judge shall be final, and upon return of the statement of complaint, with the order of the judge endorsed thereon, to the office of the board of registration commissioners, the board shall correct its record in accordance with the order.

§ 15. Section 117.570 of the Kentucky Revised Statutes is amended to read as follows:

If the board of registration commissioners of any city of the first class finds that there are names of voters upon the registration lists or registration books who are properly and legally registered but who are not entitled to vote in the next primary, regular or special election, they shall not cancel the registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that the names shall not be sent to the precincts on election day for the coming election in which such voters are not qualified to participate. The registration officers shall place the registration cards in some secure place to be held and identified as suspended lists of registered voters, and the names of such voters shall not be replaced in the registration lists or registration

books until such time as they are eligible to vote. Such voters shall not be required to re-register.

§ 16. Section 117.590 of the Kentucky Revised Statutes is repealed.

§ 17. Section 117.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who wilfully fails to perform any of his duties set forth in KRS 117.050, subsection (2) of KRS 117.080, subsection (2) of KRS 117.270, KRS 117.520, subsection (1) of KRS 117.540, KRS 117.550 or 117.570, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(2) Any registrar, deputy registrar, inspector of registration, or other state, county or city officer or employe who willfully fails to perform his duties as set forth in KRS 117.170 to 117.320, 117.510, 117.530, subsection (2) of KRS 117.540, KRS 117.560 or subsection (2) of KRS 117.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

By Mr. Justice.

H. B. 143. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 244.130 of the Kentucky Revised Statutes is amended to read as follows:

No person shall publicly advertise or cause or permit to be publicly advertised in any manner any alcoholic beverage, by brand or otherwise, or have or exhibit in a window any dis-

play of alcoholic beverages. This section is intended to prohibit advertising on billboards or by any other display method, including signs on the outside walls of the premises of any licensee under KRS 243.020 to 243.670; advertising in theaters, newspapers, periodicals or literature of any kind; and advertising by radio to the extent that advertising by radio is subject to regulation by this state. This section is not intended to prohibit the sale and distribution in this state of newspapers or periodicals printed in another state and circulated on a national basis among regular paying subscribers, but no licensee under KRS 243.020 to 243.670 shall place or cause to be placed in any such newspaper or periodical any advertisement of alcoholic beverages.

§ 2. Section 244.140 of the Kentucky Revised Statutes is amended to read as follows:

No sign of any kind, advertising any brand of alcoholic beverages, shall be placed so as to be visible from the exterior of any premises licensed for the sale of alcoholic beverages at retail.

§ 3. Sections 244.530 and 244.540 of the Kentucky Revised Statutes are repealed.

By Mr. Prather.

H. Res. 26. A Concurrent Resolution authorizing the printing at the end of each Act, in the bound volume of the printed Acts, of the name of Author of Act, together with date of introduction, passate and signature of Governor.

Said resolution is as follows, viz.:

A resolution authorizing the printing at the end of each Act, in the bound volume of the printed Acts, of the name of author of Act, together with date of introduction, passage and signature of Governor.

Whereas, the printed volume of the Acts of 1944 should carry to posterity as full information as possible concerning the origin of each Act.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the name of the author of each Act shall be printed at the end of the Act, together with the dates of introduction, passage, and signature of the Governor, in the bound volume of the printed Acts of 1944.

Ordered that said Bills be printed and referred.

Ordered that said resolution be referred.

Mr. Quill moved that the House do now adjourn to meet again on Monday, January 24 at seven-thirty o'clock P.M.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 24, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Douglas T. Bolling	Fred Carpenter
Henry Arrowood	J. C. Bradley	Willis Champion
F. H. Bassett, Jr.	Jno. W. Burkhart	Jno. H. Clarke, Jr.
W. G. Biggers	Chas. W. Burnley	A. Roy Copeland
Isaac Blevins	C. D. Call	Marvin Cornett

John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
H. L. Waterfield

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 10. An Act to amend and re-enact Subsec. 4 of Sec. 200.010, Chapter 200 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section (4) of Section 200.010, Chapter 200, Kentucky Revised Statutes, be amended and re-enacted so that said sub-section as amended and re-enacted shall read as follows:

(4) As used in KRS 200.250 to 200.300, unless the context requires otherwise, "crippled children" includes all physically handicapped children under the age of twenty-one except those whose only infirmity is blindness or deafness.

S. B. 39. An Act relating to the Active Militia and providing for pay, medical treatment and funeral expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any member of the Active Militia shall be incapacitated from pursuing his usual business or occupation by reason of any injury received when on duty or assembled therefor under competent authority or lawful order, which said injury shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Revised Statutes 37.270 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claim-

ant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

§ 2. If the death of any member of the Active Militia results from an injury received when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed $250.00.

§ 3. The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of $250.00 as allowed by Section 2 of this Act. All disbursements under Sections 1, 2 and 3 of this Act shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

§ 4. If any member of the Active Militia, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney General to represent the member of the Active Militia in any civil proceedings so begun. If, under the same conditions, a member of the Active Militia is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the Active Militia, legal counsel, who shall represent said member in any criminal proceedings so

begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Ordered that said bills be printed and referred.

The following schedule of meetings of the Standing Committees of this House was announced:

COMMITTEE	TIME	PLACE
Agriculture 1 & 2	Tues. After Adjournment	Agriculture Dept.
Alcoholic Control 1	Tues. 7:30 P.M.	House Chamber
Cities of 2nd Class	Tues. After Adjournment	Library—3rd Floor
Cities of 2nd Class	Wed. 12 noon	Library—3rd Floor
Contest	Tues. 9 A.M.	Agriculture Dept.
Courts	Tues. 12:30	Speaker's Retiring Room
Public Health	Tues. 12 noon	Speaker's Retiring Room
Suffrage & Elections	Tues. 10:30 A.M.	Library—3rd Floor
Tuberculosis	Wed. After Adjournment	Library—3rd Floor
Veterans	Thurs. After Adjournment	Room 18—Educational Dept.
Ways & Means	Tues. 11 A.M.	Library—3rd Floor
Public Utilities	Tues. 10 A.M.	Public Hearing House Chamber
Kentucky Statutes	Tues. 7:30 P.M.	Capitol Hotel
Cities 6th Class	Wednesday—Adjournment	Desk 18L

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. B. 126. To Committee on Kentucky Statutes
H. B. 127. To Committee on Alcohol Liquor Control No. 1
H. B. 128. To Committee on Revenue and Taxation
H. B. 129. To Committee on Courts
H. B. 130. To Committee on Public Health
H. B. 131. To Committee on Insurance, Life & Marine, Life & Casualty
H. B. 132. To Committee on Insurance, Life & Marine, Life & Casualty
H. B. 133. To Committee on Insurance, Life & Marine, Life & Casualty
H. B. 134. To Committee on Insurance, Life & Marine, Life & Casualty
H. B. 135. To Committee on Kentucky Statutes
H. B. 136. To Committee on Criminal Law
H. B. 137. To Committee on Veterans' Legislation
H. B. 138. To Committee on Kentucky Statutes
H. B. 139. To Committee on Kentucky Statutes
H. B. 140. To Committee on Motor Transportation
H. B. 141. To Committee on Printing
H. B. 142. To Committee on Ways and Means
H. B. 143. To Committee on Alcohol & Liquor Control No. 2
H. Res. 26. To Committee on Ways & Means.

Messrs. Preston, Carpenter, Hunt and Jonas of the Committee heretofore appointed to make arrangements for available office space for meetings of the Standing Committees of this House, offered the following resolution, viz.:

Whereas, the Judges and Commissioners of the Court of Appeals and the Heads of the various State Departments having offices in the New Capitol Building have cooperated splen-

didly in making available to the House of Representatives rooms in said Capitol Building for committee use, and

Whereas, the House of Representatives of the General Assembly of 1944 is desirous of expressing its appreciation as a body to the named officials; now therefore

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. The House of Representatives hereby officially thanks with deep appreciation the Judges and Commissioners of the Court of Appeals and the Heads of the various State Departments having offices in the New Capitol Building for their splendid cooperation in making available to the House of Representatives room for the use of House Committees.

2. The Clerk of the House of Representatives is hereby directed to deliver a copy of this Resolution to each Judge and Commissioner of the Court of Appeals, and to the Head of each State Department having offices in the New Capitol Building, and to the Custodian and Matron of the building.

Said resolution was adopted.

Mr. Preston offered the following resolution, viz.:

H. Res. 27. A Joint Resolution directing the Commissioner of Finance to provide committee rooms on the third floor of the New Capitol Building for the 1946 General Assembly.

Whereas, it is necessary that the General Assembly now make provisions looking to the furnishing of sufficient office space for the proper work of its committees during the Regular Session of the General Assembly for 1946, and

Whereas, while all State officials having offices at this time in the New Capitol Building cooperated splendidly with the

1944 Session in finding rooms for committee use, it is obvious that advance arrangements must be made for the Regular Session of 1946; now therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly hereby directs the Commissioner of Finance to, in due time for the convening of the Regular Session of the General Assembly of 1946, clear the various rooms or offices on the third floor of the New Capitol Building or the majority thereof, and prepare them for use as Committee Rooms for the House of Representatives and the Senate of the General Assembly at the Regular Session of 1946.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 91. An Act to repeal, amend and re-enact Sec. 117.-140 KRS 1942 relating to fees allowed county clerk.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 117.140, Kentucky Revised Statutes, 1942 (First Edition), be repealed, amended and reenacted so that when reenacted said section shall read as follows:

(1) The county clerk is entitled to collect:

(a) For original registration, two cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, two cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, two cents per name, including date and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by KRS 117.110, six cents for each five names listed.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken on said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	Paul S. Jonas
Henry Arrowood	Adron Doran	H. Clay Kauffman
F. H. Bassett, Jr.	J. R. Dorman	M. Kavanaugh
W. G. Biggers	T. H. Dyer	G. M. Knuckles
Isaac Blevins	Bernie S. Edlin	J. T. Linton
Douglas T. Bolling	Harry W. Ennis	Homer E. Losey
Jno. W. Burkhart	Dr. J. C. Gabbard	Pearl McKinney
Chas. W. Burnley	J. D. Gross	C. C. May
C. D. Call	R. M. Hall	Harry L. Moore
Fred Carpenter	Jas. P. Hallahan	Herbert V. Moore
Willis Champion	Claude Hammons	J. Lee Moore
Jno. H. Clarke, Jr.	B. C. Holbrook	L. D. Moore
A. Roy Copeland	Jerry F. Howell	W. B. Moser
Marvin Cornett	J. J. Huff	C. Sid Nabb
John P. Craig	W. N. Hughes	Joe E. Nunn
Fred Creasey	Lee Johnson	Chester Peterson

Albert W. Pfeiffer	H. G. Royalty	Geo. W. Steinford
Sylvester Phillips	Amos Runyon	Thos. M. Swope
James T. Philpott	Carl Scheben	C. W. Taylor
J. Gip Prather	F. W. Schuhmann	Egbert V. Taylor
L. W. Preston	Vernon Seaton	H. Thieman, Jr.
Kleber F. Price	Jno. W. Simmons	E. B. Thompson
Edw. P. Prichard	Faust Y. Simpson	John L. Trumbo
James E. Quill	George T. Smith	S. J. Wagner
C. R. Reeves	Robt. J. Spaulding	Harry F. Walters
L. Allen Rhoads	E. A. Spencer	R. E. West
Wade H. Riley	Arthur Stallard	Taylor Witt

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Those who voted in the negative were—

John Henry Cox	Benton Howard	A. L. Love
Chas. B. Gentry	Clyde S. Howard	Jno. C. Newcomb
Franklin Goins	Wm. E. Justice	Joe Stewart

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Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 38. An Act amending Section 256.010 of the Kentucky Revised Statutes of 1942.

With an amendment thereto as proposed by the Committee on Agriculture No. 2.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 256.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) "Lawful Fence" means: (a) A strong and sound fence, four feet high, so close that cattle cannot creep through, made of rails, or plank, or wire and plank, or iron, or hedge, or stone or brick; or

(b) A ditch three feet deep and three feet broad, with a hedge two feet high or a rail, plank, stone, smooth or barbed wire or brick fence two and one-half feet high on the margin of the ditch, if the fence is so close that cattle cannot creep through; or

(c) A well-constructed gate four feet high so close that cattle cannot creep through, made of wood slats and wood framing or made of metal slats and framing either or both, forming a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent owner; or

(d) A cattle guard not less than nine (9) feet wide and seven (7) feet across with a pit three (3) feet six inches deep with iron pipes, iron rails or wooden rails not less than two to six inches in size, 5-1/8 inches apart, constructed in such manner that live stock will not pass over same, constituting a part of a fence otherwise lawful and entering upon a public road or highway or entering upon a private or public road or passway over the land of another adjacent landowner.

(2) As used in this chapter, unless the context requires otherwise, "railroad" means the person who owns a right of way and owns or controls a railroad in this state that has been in operation for five years.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 38 by adding at the end of line 22 of the printed bill, after the word "landowner" the following:

"Provided, however, the definition or description of a lawful fence or cattle guard in this subparagraph (d) shall not apply to the term "cattle guard" as used in Section 256.150 of the Kentucky Revised Statutes."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken on said bill in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Thos. S. Dawson	J. J. Huff
F. H. Bassett, Jr.	Adron Doran	W. N. Hughes
W. G. Biggers	J. R. Dorman	Lee Johnson
Isaac Blevins	T. H. Dyer	Paul S. Jonas
Douglas T. Bolling	Bernie S. Edlin	Wm. E. Justice
J. C. Bradley	Harry W. Ennis	H. Clay Kauffman
Jno. W. Burkhart	Dr. J. C. Gabbard	M. Kavanaugh
Chas. W. Burnley	Chas. B. Gentry	G. M. Knuckles
C. D. Call	Franklin Goins	J. T. Linton
Fred Carpenter	J. D. Gross	Homer E. Losey
Willis Champion	R. M. Hall	A. L. Love
Jno. H. Clarke, Jr.	Jas. P. Hallahan	Pearl McKinney
A. Roy Copeland	Claude Hammons	C. C. May
Marvin Cornett	B. C. Holbrook	Johnston Miller
John Henry Cox	Benton Howard	Harry L. Moore
John P. Craig	Clyde S. Howard	Herbert V. Moore
Fred Creasey	Jerry F. Howell	J. Lee Moore

L. D. Moore	C. R. Reeves	Arthur Stallard
W. B. Moser	L. Allen Rhoads	Geo. W. Steinford
C. Sid Nabb	Wade H. Riley	Joe Stewart
Jno. C. Newcomb	H. G. Royalty	Thos. M. Swope
Joe E. Nunn	Amos Runyon	C. W. Taylor
Chester Peterson	Carl Scheben	Egbert V. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	H. Thieman, Jr.
Sylvester Phillips	Vernon Seaton	E. B. Thompson
J. Gip Prather	Jno. W. Simmons	John L. Trumbo
L. W. Preston	Faust Y. Simpson	S. J. Wagner
Kleber F. Price	George T. Smith	Harry F. Walters
Edw. P. Prichard	Robt. J. Spaulding	R. E. West
James E. Quill	E. A. Spencer	Taylor Witt

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Those who voted in the negative were—

Coy C. Nevitt	James T. Philpott	—2

Resolved that the title thereof be as aforesaid.

Mr. Gabbard moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 42. An Act amending and re-enacting Section 179.-420 and 179.430 KRS, and providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges shall be expended by the Department of Highways on the county roads and bridges, etc.

Mr. Linton moved that said bill be made a Special Order of the Day for Wednesday, January 26, at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 40. An Act relating to Old Age Assistance.

Mr. Swope moved that said bill be laid on the Clerk's Desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 79. An Act relating to Insurance.

Mr. Walters moved that said bill be laid on the Clerk's Desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 56. An Act relating to motor vehicle operators' licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with an

operator's permit from the United States, shall be exempt from an operator's license, when operating an official vehicle in the course of his service.

(3) During the remainder of the period of National Emergency and six months thereafter which was declared to exist by proclamation of the President of the United States dated May 27, 1941, any person in active service in the armed forces of the United States shall be permitted to operate a motor vehicle without the operator's license required by KRS 186.410.

(4) Six months after the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States dated May 27, 1941, subsection (3) of this section shall stand repealed.

Mr. Prichard offered the following amendment to said bill, viz.:

Amend H. B. 56 on page 2, section 2 after line 15 by inserting the following:

Section 4. Any person in the armed forces of the United States who has in his possession a Kentucky operator's license which was issued on or after May 26, 1941, may have such license extended without cost for the remainder of the National Emergency which was declared by proclamation of the President of the United States dated May 27, 1941, and six months thereafter, by presenting in person or forwarding such license together with return postage to the Circuit Court Clerk.

Make Section 4, Section 5.

Said amendment was agreed to.

Mr. Prichard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Adron Doran	Wm. E. Justice
Henry Arrowood	J. R. Dorman	H. Clay Kauffman
F. H. Bassett, Jr.	Bernie S. Edlin	M. Kavanaugh
W. G. Biggers	Harry W. Ennis	G. M. Knuckles
Isaac Blevins	Dr. J. C. Gabbard	J. T. Linton
Douglas T. Bolling	Chas. B. Gentry	Homer E. Losey
J. C. Bradley	Franklin Goins	A. L. Love
Jno. W. Burkhart	J. D. Gross	Pearl McKinney
Chas. W. Burnley	R. M. Hall	Ed Marcum
C. D. Call	Jas. P. Hallahan	C. C. May
Fred Carpenter	Claude Hammons	Johnston Miller
Willis Champion	B. C. Holbrook	Harry L. Moore
Jno. H. Clarke, Jr.	Benton Howard	Herbert V. Moore
A. Roy Copeland	Clyde S. Howard	J. Lee Moore
Marvin Cornett	Jerry F. Howell	L. D. Moore
John Henry Cox	J. J. Huff	W. B. Moser
John P. Craig	W. N. Hughes	C. Sid Nabb
Fred Creasey	Lee Johnson	Coy C. Nevitt
Thos. S. Dawson	Paul S. Jonas	Jno. C. Newcomb

Joe E. Nunn	H. G. Royalty	Thos. M. Swope
Chester Peterson	Amos Runyon	C. W. Taylor
Albert W. Pfeiffer	Carl Scheben	Egbert V. Taylor
Sylvester Phillips	F. W. Schuhmann	H. Thieman, Jr.
James T. Philpott	Vernon Seaton	Otis C. Thomas
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
L. W. Preston	Faust Y. Simpson	John L. Trumbo
Kleber F. Price	George T. Smith	S. J. Wagner
Edw. P. Prichard	Robt. J. Spaulding	Harry F. Walters
James E. Quill	E. A. Spencer	R. E. West
C. R. Reeves	Arthur Stallard	Taylor Witt
L. Allen Rhoads	Geo. W. Steinford	
Wade H. Riley	Joe Stewart	—94

Resolved that the title thereof be as aforesaid.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 33. An Act relating to the licensing of operators of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (3) of this section, every applicant for an instruction permit or an operator's license shall apply in person to the circuit clerk of the county in which he resides and make application upon a form fur-

nished by the department. The applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(2) Every application shall contain the full name, date of birth, sex, race, and resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked, or refused, and if so, the date of and reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

(3) Any licensed operator whose license has not been suspended or revoked may procure an annual renewal of his license either by applying in person at the office of the circuit clerk or by sending to the circuit clerk by another person or by mail his license certificate for the previous year, together with the license fee and a three cent postage stamp. Upon receipt of any application for renewal by mail, accompanied by the fee and stamp, the circuit clerk shall issue a new license to such person and forward it to him by mail.

(4) No person whose license has been revoked shall apply for or receive a new license until the expiration of one year from the date of revocation of the former license, nor shall any person whose license is suspended apply for or receive any new license until the expiration of the period for which the license was suspended irrespective of whether or not the license was suspended for a period longer than that for which the license was issued.

§ 2. Section 186.500 of the Kentucky Revised Statutes is amended to read as follows:

Every license certificate shall bear a distinguishing number, the name, age, resident address and a brief description of

the licensee, the signature of the licensee, which shall be affixed in the presence of the circuit clerk or his deputy, except as provided in subsection (3) of KRS 186.460, and such other information as the department may reasonably require.

Mr. Howard moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	John Henry Cox	Jas. P. Hallahan
F. H. Bassett, Jr.	John P. Craig	Claude Hammons
W. G. Biggers	Fred Creasey	B. C. Holbrook
Isaac Blevins	Thos. S. Dawson	Benton Howard
Douglas T. Bolling	Adron Doran	Clyde S. Howard
J. C. Bradley	J. R. Dorman	Jerry F. Howell
Jno. W. Burkhart	T. H. Dyer	J. J. Huff
Chas. W. Burnley	Bernie S. Edlin	W. N. Hughes
C. D. Call	Harry W. Ennis	Lee Johnson
Fred Carpenter	Dr. J. C. Gabbard	Paul S. Jonas
Willis Champion	Chas. B. Gentry	Wm. E. Justice
Jno. H. Clarke, Jr.	Franklin Goins	H. Clay Kauffman
A. Roy Copeland	J. D. Gross	M. Kavanaugh
Marvin Cornett	R. M. Hall	G. M. Knuckles

Homer E. Losey	Sylvester Phillips	George T. Smith
A. L. Love	James T. Philpott	Robt. J. Spaulding
Pearl McKinney	J. Gip Prather	E. A. Spencer
Ed Marcum	L. W. Preston	Arthur Stallard
C. C. May	Kleber F. Price	Geo. W. Steinford
Johnston Miller	Edw. P. Prichard	Joe Stewart
Harry L. Moore	James E. Quill	Thos. M. Swope
Herbert V. Moore	C. R. Reeves	C. W. Taylor
J. Lee Moore	L. Allen Rhoads	Egbert V. Taylor
L. D. Moore	Wade H. Riley	H. Thieman, Jr.
W. B. Moser	H. G. Royalty	Otis C. Thomas
C. Sid Nabb	Amos Runyon	John L. Trumbo
Coy C. Nevitt	Carl Scheben	Harry F. Walters
Jno. C. Newcomb	F. W. Schuhmann	R. E. West
Joe E. Nunn	Vernon Seaton	Taylor Witt
Chester Peterson	Jno. W. Simmons	
Albert W. Pfeiffer	Faust Y. Simpson	

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Those who voted in the negative were—

Chas. W. Anderson —1

Resolved that the title thereof be as aforesaid.

Mr. Howard moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 65. An Act to amend subsec. 2 of Sec. 199.990 of KRS so as to increase the penalty for violating Section 199.-320 of KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 199.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) (a) Except as provided in paragraph (b) of this subsection, any person who violates KRS 199.320 shall be fined not more than five hundred dollars or imprisoned in the county jail or workhouse not more than twelve months, or both;

(b) Instead of the penalty imposed by paragraph (a) of this subsection, the court may suspend the sentence and release the defendant on probation for one year upon his recognizance, with or without sureties in such sum as the court directs. The recognizance shall provide that the defendant shall make his personal appearance in court whenever ordered to do so, and shall provide and care for the child as directed by the court, and shall further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void;

(c) County courts shall have exclusive jurisdiction of all prosecutions under KRS 199.320, and if the jury finds against the defendant, their verdict shall so state, and the court shall fix the punishment.

Mr. Bolling moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas

E. B. Thompson	S. J. Wagner	R. E. West
John L. Trumbo	Harry F. Walters	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Pfeiffer moved that bills entitled:

H. B. 86. An Act to enable fiscal courts of counties containing cities of the first class to purchase policies of insurance of motor vehicles.

H. B. 102. An Act to permit the joint taking of schedules or lists of taxable property by the city assessor of cities of the first class.

H. B. 104. An Act to provide that the fiscal year of each city of the first class shall begin on the first day of July of each year etc.

H. B. 105. An Act to lift the $3,000 salary limit for the Superintendent of the Jefferson County Children's Home.

Be laid on the Clerk's Desk.

Without objection said motion was agreed to.

Without objection, the following bills and resolution were introduced, viz.:

By Mr. Quill.

H. B. 144. An Act to amend the Constitution of Kentucky by adding a new provision giving the qualified voters

of the Commonwealth a further voice in the operations of government by means of the rights of recall, initiative and referendum.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Constitution of Kentucky is amended by adding thereto the following section:

Every elective public officer provided for in this Constitution is subject to recall by the qualified voters of the county, city or district from which he was elected, or, in the case of officers for the state at large, by the qualified voters of the state. Proceedings for recall may be initiated upon a petition signed by a number of voters qualified to vote for the office in question, equal to fifteen percent of the number of voters who voted in the election at which the officer who is sought to be recalled was elected. The reasons for demanding the recall of the officer shall be stated in the petition. The petition shall be filed with the officer with whom a petition for nomination to the office in question should be filed. No petition shall be circulated against any officer until he has actually held his office for six months, except that it may be filed against a member of the General Assembly at any time after five days from the beginning of the first session after his election. If the officer sought to be recalled offers his resignation, it shall be accepted and take effect on the date it is offered, and the vacancy shall be filled as provided by law. If he does not resign within five days after the petition is filed, a special election shall be ordered to be held within twenty days, in the territory from which the officer was elected. In case of officers for the state at large, or for a district greater than one county, the special election shall be called by the Governor, or, if he is the one sought to be recalled, by the Secretary of

State. In the case of an officer for a county or for a district less than a county, the special election shall be called by the county judge, or, if he is the one sought to be recalled, by the county clerk. On the ballots at the special election shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer's justification of his course in office. The officer shall continue to perform the duties of his office until the result of the special election is officially declared. The special election shall be advertised and held in the manner provided by law for the holding of special elections for members of the General Assembly or in such other manner as the General Assembly may provide. If an officer is recalled as a result of the election the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause. After one such petition and special election no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners first pay into the state or county treasury, which paid the expenses of the first special election, the whole amount of the expense of the first special election. The General Assembly may provide such further legislation as may be necessary to give effect to this section.

There is reserved to the people of this Commonwealth the power of initiative whereby laws may be enacted and Constitutional amendments adopted by the people independently of the General Assembly. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition is for the enactment of a law, it shall be signed by seven percent of the qualified voters of the state, and if the petition is for an amendment to the Constitution it shall be signed by ten percent of such voters. In any case the voters signing the petition shall be so distributed as to include five percent of the voters of each of two-fifths of the counties of

the state. When thus signed the petition shall be filed with the Secretary of State who shall cause the measure to be submitted to the voters of the state at the first general election held not less than four months after the petition has been filed. The same measure, either in form or in essential substance, shall not be submitted to the voters by initiative petition, either affirmatively or negatively, oftener than once in three years. If conflicting measures submitted to the people at the same election are approved, the one receiving the highest number of affirmative votes shall thereby become the law as to all conflicting provisions. The Constitutional limitations as to the scope and subject matter of statutes enacted by the General Assembly shall apply to those enacted by the ititiative.

There is also reserved to the people of the Commonwealth the power of referendum, which may be invoked by petition against any Act or part of an Act of the General Assembly, except those making appropriations for the expenses of the state government or a state institution existing at the time of the passage of such Act. Petitions invoking the referendum shall be signed by not less than five percent of the qualified voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the date as of which the Act became effective. The petition shall set out the title of the Act against which the referendum is invoked, and in addition thereo, when only a portion of the Act is sought to be referred, the number of the section or portion of the Act shall be designated. When the referendum is thus invoked, the Secretary of State shall refer the same to the qualified voters for approval or rejection at the first regular election to be held not less than thirty days after the filing of the petition. When a petition for the referendum, as to any Act or part of an Act other than an emergency Act or one for the immediate preservation of the public peace, health or safety, is signed by not less than ten percent of the qualified voters of the state, distributed as above

provided, and such petition is filed before the effective date of the Act, the filing of the petition shall suspend the taking effect of the Act, or part of the Act, until the same has been approved at the referendum election.

The whole number of votes cast for Governor at the regular election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such a petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. The measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor, which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvassing of votes on Constitutional amendments. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method provided in Sections 256 and 257 of the Constitution, and the restriction as to the number of amendments that may be submitted at any one election, contained in Section 256 of the Constitution, shall not apply to amendments submitted by initiative. The provisions of this section with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted by initiative or referendum shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or introduced by any political party or organization. Only the title or proper descriptive words of such measure shall be printed on the ballot, and when two or more measures have the same title they shall be numbered consecutively in the order of filing

with the Secretary of State and the numbers shall be followed by the name of the first petitioner on the corresponding petition.

2. This amendment shall be submitted to the voters at the time and in the manner prescribed by Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

By Mr. Dorman.

H. B. 145. An Act to amend and re-enact Sec. 28.310 of KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That section 28.310 of Kentucky Revised Statutes, 1942 Edition, as revised by the Statutes Revision Commission, be amended and reenacted so that said section as amended and reenacted shall read as follows:

28.310 *Deputy County Clerks in Certain Counties Containing a City of the Second-Class; Salary of Clerk.* In each county in this state having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million and containing a city of the second class, the clerk of the county court shall have the right to appoint such deputies as may be necessary for the proper conduct of his office. The number appointed shall be approved by the fiscal court. The salaries of said deputy county clerks shall be fixed by the fiscal court of the county and shall be payable out of the county levies in equal monthly installments. The salary of the clerk shall be paid in the same manner. Provided that the salary of the chief deputy clerk shall not exceed $3,600 per

annum. The second and third deputies shall not exceed $3,000 per annum and the salary of no other deputy shall exceed $2,400 per annum.

By Mr. Preston.

H. B. 146. An Act relating to examination of state banks.

Said bills is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 287.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every bank or trust company doing business under the laws of this state shall be subject to inspection by the director of banking or by an examiner appointed under KRS 287.440. Examination shall be made of every bank and trust company at least once every year and not more than twice unless it appears from examination or from the reports of the bank or trust company that it has failed to comply with laws or regulations relating to banks or trust companies.

(2) The director of banking, assistant director and each examiner may compel the appearance of any person for the purpose of the examination, which shall be made in the presence of one of the officers of the bank or trust company being examined. No notice of the intended examination shall be given to the bank or trust company to be examined until the examining officer is prepared to proceed immediately with the examination.

(3) Any bank or trust company that becomes a member of a Federal Reserve Bank shall be subject to the examination required by the Federal Reserve Act, (38 Stat. 251) as

amended, and the director of banking may, in his discretion, accept examinations made by the Federal Reserve authorities in lieu of examinations under state laws. The director of banking shall furnish to the Federal Reserve agent of the district in which the member bank is situated, copies of reports and examinations made of the member bank or trust company.

(4) Any bank or trust company may submit, in lieu of the annual examination required by subsection (1) of this section, a certified copy of a current Federal Deposit Insurance Corporation's complete report of examination of that bank or trust company.

By Messrs. Hammons, Preston and Biggers.

H. B. 147. An Act making provisions for State Tuberculosis Sanatoria.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The state is hereby divided into six tuberculosis sanatoria districts, consisting of the following counties:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Caldwell, Webster, Union, Henderson, Marshall, Calloway, Crittenden, Lyon, Trigg, Christian, Todd, Muhlenberg, Hopkins, Daviess, and McLean Counties.

(2) Second District: Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Marion, Nelson, Franklin, Henry, Carroll, Garrard, Bullitt, Jefferson, Oldham, Shelby, Spencer, Washington, Mercer, Boyle Anderson, Woodford, Trimble, Jessamine, Lincoln Counties.

(3) Third District: Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Scott, Harrison, Bracken, Nicholas, Bourbon, Fayette, Clark, Montgomery, Bath, Fleming, Powell, Mason, and Robertson Counties.

(4) Fourth District: Lewis, Rowan, Menifee, Wolfe, Elliott, Carter, Greenup, Knott, Pike, Boyd, Lawrence, Morgan, Breathitt, Magoffin, Johnson, Martin, Floyd, and Letcher Counties.

(5) Fifth District: Madison, Estill, Lee, Owsley, Jackson, Rockcastle, Pulaski, Laurel, Knox, Clay, Leslie, Perry, Harlan, Bell, Whitley, McCreary, and Wayne Counties.

(6) Sixth District: Butler, Logan, Warren, Simpson, Edmonson, Allen, Hart, Barren, Clinton, Green, Taylor, Casey, Metcalfe, Adair, Russell, Monroe, and Cumberland Counties.

§ 2. It is the intention of this Act to provide for the establishment of a State Tuberculosis Sanatorium in each of the districts enumerated in Section 1 of this Act, with the exception of the Second District, which is adequately served by the Hazelwood Sanatorium.

§ 3. There is created a commission to be known as the Tuberculosis Sanatoria Commission of Kentucky. The commission shall consist of eleven members who shall be appointed by the Governor and who shall serve at the pleasure of the Governor. Three members of the commission shall be appointed from the membership of the Kentucky State Medical Association and the other eight members shall be so selected from persons engaged in different trades, occupations and professions, in different parts of the state, as to give a fair representation to all classes of citizens in this state. The members of the commission shall receive no compensation for their services but shall be reimbursed for their necessary

expenses, including traveling expenses, but the total expenses of the commission shall not exceed the sum of three thousand dollars. The commission shall continue in existence until such time as it has completed the performance of its duties as set forth in this Act.

§ 4. The Tuberculosis Sanatoria Commission of Kentucky, immediately upon its appointment, shall proceed to select suitable sites for the establishment of a state tuberculosis sanatorium in each of the districts enumerated in Section 1 of this Act except the Second District. The commission shall have authority to acquire by gift, purchase, condemnation or otherwise such tracts of land, not less than sixty acres for each sanatorium, as the commission considers best suited for the purpose. The commission shall select sites where there is an adequate municipal water supply and where there is convenient access to utility service and fuel. The commission may acquire tracts of land upon which buildings are erected. If it is necessary to acquire land by condemnation, the procedure shall be as provided in KRS 416.120. Title to any real estate acquired under this section shall be taken in the name of the Commonwealth. The commission shall have authority to expend not more than thirty thousand dollars, out of the sums appropriated by this Act, for the acquisition of sites, except that the Governor, in his discretion, may supplement such amount out of any emergency fund at his disposal.

§ 5. The commission shall complete its labors and submit a report to the Governor within ninety days after the date of its appointment, except that the Governor may extend such time if, in his opinion, the circumstances so require. Upon receipt of the report, the Governor shall have authority to enter into contracts for the preparation of architectural plans and for the construction of such buildings and improvements as may be necessary to provide adequate sanatorium facilities upon each site. In the event available funds are not

sufficient to provide for the construction of a sanatorium on each site, the Governor, with the approval of the Tuberculosis Sanatoria Commission, shall have power to determine which sanatorium shall first be constructed. The plans and contracts for the sanatoria shall provide for facilities sufficient to accommodate not less than one hundred patients at each sanatorium. The Governor shall have the further power to contract for the furnishing of utilities services to the sanatoria.

§ 6. Upon the completion of each sanatorium, the Governor shall appoint a board of commissioners who shall have charge of the government and operation of the sanatorium. Each board shall consist of five members who shall serve for terms of four years, except that two members of the first board shall be appointed for terms of two years, two members for terms of three years and one member for a term of four years. The members shall be residents of the district in which the sanatorium is located. The members of the board shall serve without compensation but shall be reimbursed for their necessary expenses.

§ 7. The board of commissioners for each sanatorium shall be a body corporate for the benefit of the state. All funds and property of the sanatorium shall be under the management and control of the board of commissioners, subject to the provisions of Chapter 12, 41 and 45 of the Kentucky Revised Statutes. The board may receive property by legacy, conveyance or otherwise for the benefit of the Commonwealth, in aid and furtherance of the objects of the sanatorium. Any donation to a sanatorium for a specified use shall be applied to such use and no other. The board shall furnish to the Governor an annual report covering the operations of the sanatorium and such other reports as the Governor may require. All funds of the board shall be handled as provided in Chapter 45 of the Kentucky Revised Statutes.

§ 8. The board of commissioners of each sanatorium shall have authority to employ such physicians, nurses and other personnel as it deems necessary for the operation of the sanatorium, and may regulate the terms of service, type of duties, and fix the salaries of such personnel, subject in all respects to the provisions of KRS 42.110 to 42.150. The board of commissioners for each sanatorium shall encourage the employment of inmates in such a way as to contribute to their physical, mental and moral improvement, and may utilize the product of their labor in the maintenance of the sanatorium.

§ 9. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, the board of commissioners of each sanatorium shall receive for treatment at such sanatorium any pauper patient who is a resident of the sanatorium district sent to the sanatorium by any county or city board of health with the approval of the county judge as to pauper status.

(2) The board of commissioners shall have authority to refuse to accept any patient where the acceptance of such patient would result in an unequal proportion of patients, according to population, from any county in the district.

(3) The board of commissioners may accept paying patients so long as at least one-half of the accommodations of the sanatorium are kept available for pauper patients desiring admission. The charge to be made for paying patients shall be fixed by the board subject to the approval of the Governor.

(4) Whenever the number of patients sent to a sanatorium is greater than can be accommodated and cared for in the sanatorium, the board shall place the names on a waiting list and shall receive them in the order of their application as soon as accommodations can be provided, subject to the provisions of subsections (2) and (3) of this section.

(5) By agreement of the board of commissioners of the sanatoria involved, paying patients or pauper patients may be transferred from one sanatorium to another in order to best accomplish the purpose of this Act to provide sanatorium facilities for all needy persons of this state. The terms upon which the transfer shall be made shall be as agreed upon by the respective boards of commissioners. If the board of commissioners cannot agree, the Governor may order a transfer in any case where he deems it necessary for the purposes of this Act.

§ 10. The cost of transporting paying patients shall be paid by themselves or by their friends or relatives. The cost of transporting paupers shall be paid by the fiscal court of the county from which they are committed.

§ 11. For the purpose of carrying out the provisions of this Act there is appropriated out of the General Fund in the State Treasury for the fiscal year beginning July 1, 1944, to the Tuberculosis Sanatoria Commission of Kentucky and to the Governor, the sum of one million, five hundred thousand dollars. In the event any portion of such appropriation is not expended during the fiscal year beginning July 1, 1944, the unexpended balance shall not revert to the General Fund but shall be carried over to the next fiscal year.

By Messrs. Howell and Marcum.

H. B. 148. An Act relating to teachers' tenure.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.720 to and including 161.810, Kentucky Revised Statutes, be and the same are hereby repealed and

re-enacted so that when repealed and re-enacted they shall read as follows:

161.720 Definitions For Teachers' Tenure Law.—(1) The term "teacher" for the purpose of this Act shall mean any person for whom certification is required as a basis of employment in the public schools of the state with the exception of the superintendent.

(2) The term "year" as applied to terms of service means actual service of not less than seven school months within a school year, provided, however, that any board of education may grant a leave of absence for professional advancement with full credit for service.

(3) The term "limited contract" shall mean a contract for the employment of a teacher for a term of four years or less.

(4) The term "continuing service contract" shall mean a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires or until it is terminated or suspended as provided in KRS 161.790 and 161.800.

(5) The term "continuing status" means employment of a teacher under a continuing contract.

(6) The term "standard" or "college" certificate for the purpose of this act shall mean any certificate issued upon the basis of graduation from a standard four-year college.

161.721. The superintendent shall be eligible for continuing contract status when he meets all requirements prescribed in this act for continuing contracts for teachers.

161.730. Limited or Continuing Contracts With Teachers Required.—Each board of education shall enter into either

limited or continuing contracts for the employment of all teachers.

161.740. Eligibility For Continuing Service Status; Reemployment of Those Eligible:

Continuing Contracts for Present Teachers; Reinstatement After War Service. (1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a Standard or College Certificate as defined in Section 161.720.

(b) Have taught four years in the district.

(c) Have served two years in the district after they have attained continuing contract status elsewhere. Upon the recommendation of the superintendent the board of education may at the time of the employment or at any time within such two year period declare any of the latter teachers eligible.

(2) A teacher eligible for continuing service status shall be reemployed and a continuing contract shall be entered into between the board of education and such teacher upon the recommendation of the superintendent unless the board by a four-fifth vote of its full membership rejects the continuing contract of the teacher recommended. However, the superintendent may recommend employment of such teacher, under a limited contract, for not to exceed two years but upon subsequent reemployment only a continuing contract may be entered into.

(3) Any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country for service in the present war, shall at the expiration of such service be reemployed or reinstated in his or her former

position as of the beginning of the next school year provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated. Any teacher or superintendent desiring reinstatement in his or her former position shall file application for same with the board of education within a period of sixty days immediately following discharge from the Armed Forces of the country. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under limited contracts only.

161.750. Limited Contracts; When to be Entered Into; Reemployment on Expiration:

Period of Contract.—(1) A limited contract may be entered into by each board of education with each teacher who has not been in the employ of the board for at least four years and shall be entered into, regardless of length of previous employment, with each teacher employed by the board who does not hold a Standard or College Certificate.

(2) Any teacher employed under a limited contract and ineligible for a continuing contract shall at the expiration of such limited contract be deemed reemployed under the provisions of KRS 161.720 to 161.810 for the succeeding school year at the same salary plus any increment or decrease as provided by the salary schedule unless the employing board shall give such teacher written notice on or before the thirty-first day of March of its intention not to reemploy him. Such teacher shall be presumed to have accepted such employment unless he shall notify the board of education in writing to the contrary on or before the first day of May, and a contract for the succeeding year shall be executed accordingly. Provided, however, that:

(a) Beginning teachers, who have not been previously employed as a teacher in any school, shall be employed for one year only.

(b) New teachers who have had at least one year's experience as teacher in other schools may be employed from one to three years at the discretion of the board of education.

(c) Upon reemployment after the termination of the first contract and subsequent contracts the new contract may be for not less than two years nor more than four years at the discretion of the board.

161.760. Salaries of Teachers; Notice of; Increase or Reduction: Each board of education shall cause notice to be given annually not later than August 1 to each teacher who holds a contract valid for the succeeding school year stating the best estimate as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a uniform plan affecting the entire district. But nothing herein shall prevent increases of salary after the board's annual notice has been given.

161.770. Leaves of Absence.—Upon written request of a teacher or superintendent, a board of education may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. Without request, a board of education may grant similar leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing on such unrequested leave of absence or its renewal in accordance with the provisions for hearing an appeal in KRS 161.790. Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

161.780. Termination of Contract by Teacher. No teacher or superintendent shall be permitted to terminate his contract within thirty days prior to the beginning of his school term without the consent of the board; any such teacher or superintendent shall be permitted to terminate his contract at any other time when schools are not in session by giving five days' written notice to the employing board of education. Upon complaint by the employing board to the State Superintendent of public instruction and after investigation by him, the certificate of a teacher or superintendent terminating his contract in any other manner than provided in this section may be suspended for not more than one year.

161.790. Termination of Contract by Board; Channels for; Procedure; Suspension Pending Trial; Appeal.—(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, immoral character or conduct unbecoming a teacher;

(b) Inefficiency, incompetency, physical or mental disability or neglect of duty.

Marriage of a teacher shall not be cause for termination of the contract.

(2) No contract shall be terminated except upon recommendation of superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the proper officer of the board of education and naming a date and place at which the teacher may appear before the board of education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher

shall within ten days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(3) Upon receipt of the teachers' notice of intention to appear and answer such charges the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five days.

(4) The board of education may, on recommendation of the superintendent, suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(5) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of

termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals.

161.800. Suspension of Contracts on Reducing Number of Teachers.—When by reason of decreased enrollment of pupils, or by reason of suspension of schools or territorial changes affecting the district, a board of education decides that it will be necessary to reduce the number of teachers, it shall have full authority to make reasonable reduction. But, in making such reduction, the board shall proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who shall, within each teaching field affected, give preference to teachers on continuing contracts and to teachers who have greater seniority. Teachers whose continuing contracts are suspended shall have the right of restoration in continuing service status in the order of seniority of service in the district if and when teaching positions become vacant or are created for which any of such teachers are or become qualified.

161.810. Continuance of Status in Case of Annexation or Consolidation Schools.—If an entire school district or that

part of a school district which comprises the territory in which a school or schools are situated is transferred to any other district, or if the schools in an independent or county school district are consolidated or centralized, the teachers in such consolidated or centralized schools employed on continuing contracts immediately prior to such transfer, consolidation, or centralization shall, subject to the limitations imposed by KRS 161.800, have continuing service status in the newly centralized or consolidated school, or in the district to which the territory is transferred.

By Mr. Stallard.

H. B. 149. An Act relating to allowances for pauper idiots.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of two hundred dollars per annum to be paid as follows:

(a) One hundred and fifty dollars shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) Fifty dollars shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the funds available from either the state or the county for such allowances are not sufficient to pay the maximum provided for, the allowances from such source shall be proportionally reduced.

(3) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

By Mr. Prather.

H. Res. 28. Resolution authorizing the binding of four copies of the final issue of the 1944 Legislative Digest.

Said resolution is as follows, viz.:

WHEREAS, the Legislative Digest of 1944, in its final number, will contain the complete legislative history of all bills which will become laws, and

WHEREAS, in the past there has been difficulty in preserving the copies filed in the Kentucky State Library.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Four copies of the final issue of the Legislative Digest of 1944 shall be substantially bound by the printer, and deposited with the State Librarian.

§ 2. There is hereby appropriated the sum of twenty-five dollars, to pay for the binding provided for in section one, out of the appropriation made by Chapter 1 of the Acts of 1942 for legislative sessions.

Ordered that said bills and resolution be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 25, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene, Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Adron Doran	Wm. E. Justice
Henry Arrowood	J. R. Dorman	H. Clay Kauffman
F. H. Bassett, Jr.	Bernie S. Edlin	M. Kavanaugh
W. G. Biggers	Harry W. Ennis	G. M. Knuckles
Douglas T. Bolling	Dr. J. C. Gabbard	J. T. Linton
J. C. Bradley	Chas. B. Gentry	Homer E. Losey
Jno. W. Burkhart	Franklin Goins	Pearl McKinney
Chas. W. Burnley	J. D. Gross	Ed Marcum
C. D. Call	Jas. P. Hallahan	C. C. May
Fred Carpenter	Claude Hammons	Johnston Miller
Willis Champion	B. C. Holbrook	Harry L. Moore
Jno. H. Clarke, Jr.	Benton Howard	Herbert V. Moore
A. Roy Copeland	Jerry F. Howell	J. Lee Moore
Marvin Cornett	J. J. Huff	L. D. Moore
John Henry Cox	W. N. Hughes	C. Sid Nabb
John P. Craig	W. H. Hunt	Coy C. Nevitt
Fred Creasey	Lee Johnson	Jno. C. Newcomb
Thos. S. Dawson	Paul S. Jonas	Joe E. Nunn

H. C. Patterson	H. G. Royalty	Joe Stewart
Chester Peterson	Amos Runyon	C. W. Taylor
Albert W. Pfeiffer	Carl Scheben	Egbert V. Taylor
Sylvester Phillips	F. W. Schuhmann	Roy L. Taylor
James T. Philpott	Vernon Seaton	H. Thieman, Jr.
J. Gip Prather	Jno. W. Simmons	E. B. Thompson
L. W. Preston	Faust Y. Simpson	John L. Trumbo
Edw. P. Prichard	George T. Smith	S. J. Wagner
James E. Quill	Robt. J. Spaulding	Harry F. Walters
C. R. Reeves	E. A. Spencer	R. E. West
L. Allen Rhoads	Arthur Stallard	Taylor Witt
Wade H. Riley	Geo. W. Steinford	

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced as follows, viz.:

House Bill No. 144. Constitutional Amendments.
House Bill No. 145. Courts.
House Bill No. 146. Banks And Banking.
House Bill No. 147. Tuberculosis.
House Bill No. 148. Educational No. 1.
House Bill No. 149. Courts.
House Resolution No. 28. Ways and Means.
Senate Bill No. 10. Charitable and Penal Insts.
Senate Bill No. 39. Military Affairs.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House, entitled:

H. Res. 23. Resolution urging the National Congress to

approve a uniform federal war Ballot for members of the Armed Forces at the earliest possible moment.

And that they had passed a bill which originated in this House entitled:

H. B. 15. An Act repealing Sec. 176.030, Kentucky Revised Statutes.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Reeves of the Committee on Public Health.

H. B. 130. An Act relating to local health officers.

With the expression of opinion that said bill ought to pass.

With a Minority Report thereto.

Said report of the Minority is as follows, viz.:

The Minority of the Committee on Public Health to which the same had been referred, have had under consideration H. B. 130 and report the same with the expression of opinion that said bill should not pass.

Signed

James T. Philpott
Member of Committee

Mr. Philpott moved that the report of the Minority be substituted for the Committee Report.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Rhoads and Philpott, were as follows, viz.:

Those who voted in the affirmative were—

T. H. Dyer	Johnston Miller	Wade H. Riley
Bernie S. Edlin	Coy C. Nevitt	Egbert V. Taylor
Lee Johnson	Jno. C. Newcomb	R. E. West
J. T. Linton	James T. Philpott	
Pearl McKinney	Kleber F. Price	—13

Those who voted in the negative were—

Chas. W. Anderson	R. M. Hall	C. R. Reeves
F. H. Bassett, Jr.	Benton Howard	L. Allen Rhoads
Isaac Blevins	Jerry F. Howell	H. G. Royalty
Douglas T. Bolling	J. J. Huff	Amos Runyon
J. C. Bradley	W. N. Hughes	Carl Scheben
Jno. W. Burkhart	W. H. Hunt	F. W. Schuhmann
Chas. W. Burnley	Paul S. Jonas	Vernon Seaton
C. D. Call	Wm. E. Justice	Jno. W. Simmons
Fred Carpenter	H. Clay Kauffman	Faust Y. Simpson
Willis Champion	M. Kavanaugh	George T. Smith
Jno. H. Clarke, Jr.	G. M. Knuckles	Robt. J. Spaulding
A. Roy Copeland	Homer E. Losey	E. A. Spencer
Marvin Cornett	Ed Marcum	Arthur Stallard
John Henry Cox	C. C. May	Geo. W. Steinford
John P. Craig	Harry L. Moore	Joe Stewart
Fred Creasey	Herbert V. Moore	Thos. M. Swope
Thos. S. Dawson	L. D. Moore	C. W. Taylor
Adron Doran	C. Sid Nabb	Roy L. Taylor
J. R. Dorman	Joe E. Nunn	H. Thieman, Jr.
Harry W. Ennis	Chester Peterson	E. B. Thompson
Dr. J. C. Gabbard	Albert W. Pfeiffer	John L. Trumbo
Chas. B. Gentry	Sylvester Phillips	Taylor Witt
Franklin Goins	J. Gip Prather	
J. D. Gross	Edw. P. Prichard	—70

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 10. An Act relating to public roads.

Without an expression of opinion.

No motion having been made to advance said bill to a reading, said bill was laid on the Clerk's Desk.

H. Res. 26. Resolution authorizing the printing of the name of author, together with date of introduction, passage and signature of Governor in the bound volumes of the printed Acts.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 36. An Act relating to retirement pay for aged school teachers.

By Mr. Cox of the Committee on Public Utilities.

H. B. 64. An Act relating to public utilities companies' service bills.

By Mr. Kauffman of the Committee on Courts.

H. B. 19. An Act relating to juries, repealing, amending and reenacting Sec. 29.390 KRS.

With the expression of opinion that said bills ought not to pass.

No motion having been made by the House to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 90. An Act relating to Workmen's Compensation.

Mr. Cox moved that said bill be made a Special Order of the Day, for Thursday, January 27 at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 59. An Act to amend and re-enact Sec. 183 of the Criminal Code of Practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 183 of the Criminal Code of Practice be, and the same is hereby, amended and re-enacted to read as follows:

If the indictment be for a felony, the defendant must be present, and, if on bail, may remain on bail during the trial, unless the court, which it may do in its discretion, shall require that the defendant be placed and kept in actual custody. If

allowed to remain on bail during the trial, the defendant shall be placed in actual custody when the case is finally submitted to the jury. If he escapes from custody after the trial has commenced, the trial may either be stopped or progress to a verdict, at the discretion of the Commonwealth's attorney; but judgment shall not be rendered until the presence of the defendant is obtained.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	J. J. Huff
Henry Arrowood	Adron Doran	W. N. Hughes
F. H. Bassett, Jr.	J. R. Dorman	W. H. Hunt
Isaac Blevins	T. H. Dyer	Lee Johnson
Douglas T. Bolling	Bernie S. Edlin	Paul S. Jonas
J. C. Bradley	Harry W. Ennis	Wm. E. Justice
Jno. W. Burkhart	Dr. J. C. Gabbard	H. Clay Kauffman
Chas. W. Burnley	Chas. B. Gentry	M. Kavanaugh
C. D. Call	Franklin Goins	G. M. Knuckles
Fred Carpenter	J. D. Gross	J. T. Linton
Willis Champion	R. M. Hall	Homer E. Losey
Jno. H. Clarke, Jr.	Jas. P. Hallahan	Pearl McKinney
A. Roy Copeland	Claude Hammons	Ed Marcum
Marvin Cornett	B. C. Holbrook	C. C. May
John Henry Cox	Benton Howard	Johnston Miller
John P. Craig	Clyde S. Howard	Harry L. Moore
Fred Creasey	Jerry F. Howell	Herbert V. Moore

J. Lee Moore	Edw. P. Prichard	Arthur Stallard
L. D. Moore	James E. Quill	Geo. W. Steinford
C. Sid Nabb	C. R. Reeves	Joe Stewart
Coy C. Nevitt	L. Allen Rhoads	Thos. M. Swope
Jno. C. Newcomb	Wade H. Riley	C. W. Taylor
Joe E. Nunn	H. G. Royalty	Egbert V. Taylor
H. C. Patterson	Amos Runyon	Roy L. Taylor
Chester Peterson	Carl Scheben	H. Thieman, Jr.
Albert W. Pfeiffer	F. W. Schuhmann	E. B. Thompson
Sylvester Phillips	Vernon Seaton	John L. Trumbo
James T. Philpott	Jno. W. Simmons	Harry F. Walters
J. Gip Prather	Faust Y. Simpson	R. E. West
L. W. Preston	George T. Smith	Taylor Witt
Kleber F. Price	Robt. J. Spaulding	

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Resolved that the title thereof be as aforesaid.

Mr. H. L. Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Walter moved that a bill entitled:

H. B. 79. An Act relating to Insurance.

Be taken from the Clerk's desk for immediate consideration.

Said motion was agreed to.

Thereupon the House took up for immediate consideration.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 299.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) Twenty-five or more persons residing in any one or more adjoining municipalities, or in any county, or in not more than ten adjoining counties, who collectively own property of the value of fifty thousand dollars or more, may organize a company for the purpose of cooperative or assessment insurance against loss or damage of property by fire, wind or lightning, or the explosion of natural or artificial gas, or hail, or explosion, or riot, or riot attending a strike, or aircraft, or smoke, or vehicles, by making and acknowledging a certificate setting forth their intention to form such a company, the counties or municipalities in which it intends to do business, its corporate name, and the place where its principal office is to be located. Every person insured in such a company who signs an application for insurance as required by the certificate of incorporation or the by-laws of the company shall thereby become a member.

(2) No money shall be collected by any person on behalf of the company until two of the members or organizers have given joint bond to the director in the sum of ten thousand dollars, conditioned that all money so collected will be used as directed by law, and that the affairs of the company will be conducted according to law. The bond shall be held by the director for the benefit of the members of the company until the company has become legally incorporated and its affairs have been examined by an expert accountant, appointed by the director, and found to be in due and regular form, and immediately thereafter the bond shall be cancelled.

(3) No company shall be formed under KRS 299.310 to 299.470 for the purpose of transacting any business of insur-

ance other than as prescribed in those sections, and no company shall insure against any loss other than the ones permitted by those sections. Any company heretofore organized or operating under these sections may issue and grant insurance against any or all of the hazards named herein.

§ 2. Section 299.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any company may collect such membership fees or policy fees as are provided for in its by-laws, and any portion of the fees not expended for agents' commissions and the expenses of writing insurance shall be placed in the reserve fund of the company.

(2) The directors or executive committee of the company may declare, levy and issue assessments in such amounts and at such times as in their judgment is for the best interests of the company. When the reserve fund equals one and one-half percent of the insurance in force against fire, and two and one-half percent of the insurance in force against windstorm, and one-half of one percent of the insurance in force against any other hazard, then no assessment shall be made for a greater sum than the amount of losses and expenses sustained and accrued since the last previous assessment was issued. All assessments shall be made pro rata upon all property at such time insured, according to its classification.

(3) If at any time the total liabilities of a company exceed its actual cash assets to an amount equal to fifty cents for each one hundred dollars of insurance held by the company, the secretary shall notify the officer whose duty it is to call a meeting of the directors or executive committee, and that officer shall immediately call the directors or executive committee in session. The directors or executive committee shall, within thirty days, declare, levy and issue an assess-

ment sufficient to pay all the liabilities of the company that are in excess of its actual cash assets.

§ 3. Subsection (4) of section 299.010 of the Kentucky Revised Statutes is amended to read as follows:

(4) "Company," as used in KRS 299.310 to 299.470, means any corporation organized under KRS 299.310 and 299.470 means any corporation organized under KRS 299.310 and 299.420 for the purpose of transacting, and any company heretofore organized under any similar law of this state or under the general corporation laws of this state that is transacting, the business of insurance against loss or damage of property by fire, wind or lighting, or by the explosion of natural or artificial gas, or hail, or explosion, or riot, or riot attending a strike, or aircraft, or smoke, or vehicle, upon the cooperative or assessment plan.

Mr. Walters offered the following amendment to said bill, viz.:

Amend H. B. 79 on page 3 by adding, after line 11 of Section 3, the following:

4. Subsection (1) of section 299.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The directors of every company shall cause to be issued policies of insurance signed by their president and secretary, agreeing in the name of the company to pay all losses or damages, not exceeding the amount insured, caused by the risk against, as provided by and during the time named in the policy. Every policy shall have attached thereto a printed copy of the bylaws.

5. Section 299.420 of the Kentucky Revised Statutes is amended to read as follows:

If the amount of the deposit notes and cash belonging to a company is not sufficient to pay the amount due at any one time to the policy holders on account of losses occasioned by the risks insured against, the limit of liability of each policyholder on any assessment that may be required to meet the deficit shall not exceed the following rates and amounts: Upon each policyholder of a company having less than five hundred thousand dollars of insurance in force, ten dollars for each one hundred dollars of insurance he has in the company; upon each policyholder of a company having over five hundred thousand dollars but less than one million dollars insurance in force, five dollars for each one hundred dollars insurance he has in the company; upon each policyholder of a company having over one million dollars but less than two million dollars insurance in force, three dollars for each one hundred dollars insurance he has in the company; and upon each policyholder of a company having over two million dollars of insurance in force, two dollars for each one hundred dollars insurance he has in the company.

Said amendment was agreed to.

Mr. Walter moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
L. D. Moore
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Mr. Walters offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 79 on page 1 by inserting in the title before the word "and" the following: "299.380, 299.420,"

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Walters moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Orders of the Day, the House took up in successive order the Special Orders, viz.:

H. B. 60. An Act authorizing oil, gas and mineral leases and providing for the management of funds and income received therefrom.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. *Leases—Contingent Future Interests.*—Where lands, or any estate interest therein, are subject to any contingent future interest, legal or equitable, by way of remainder, reversion, possibility of reverter, upon the happening of a condition subsequent, or otherwise, created by deed, will, or otherwise, and whether a trust is involved or not, and it is made to appear that it will be advantageous to the present and ultimate owners of said lands or estate or interest therein, the court shall have the power, pending the

happening of any contingency and the vesting of such future interest or interests, to declare a trust in said lands or estate or interest therein, appoint a trustee therefor, and to authorize such trustee to sell, execute and deliver a valid oil, gas, coal or other mineral lease covering said lands or estate or interest therein.

Sec. 2. *Jurisdiction*—The circuit court of the county wherein the land sought to be leased, or some portion thereof, is situated shall have jurisdiction of the proceedings authorized under this act.

Sec. 3. *Institution of Proceedings.*—The proceedings provided for hereby may be instituted upon the petition of any one or more of the parties who have a present interest or a contingent interest in the land or estate or interest therein.

Sec. 4. *Parties.*—All of the persons in being who have any present or contingent interest in the lands or estate or interest sought to be leased shall be made parties to the proceedings herein authorized, with any infant or infants being represented either by next friend or statutory guardian or guardian ad litem, or in the case of constructive service of summons by a warning order attorney appointed as in other cases. If the court specifically finds that the welfare or interest of any person or persons not in being requires special representation, the court may appoint a trustee ad litem to represent such unknown parties not in being or each separate class thereof, and such trustee ad litem shall file such pleadings or answer and take such steps as he deems proper, and such unknown persons will be fully bound by the proceedings hereunder. Otherwise, and in the absence of such finding by the court, it shall not be necessary to make parties any persons not in being, either as "Unknown Defendants" or otherwise, but the persons in being who are parties shall stand for and represent the full title and whole interest in said lands or estate or interest therein, and all parties not in being who

might have some contingent or future interest therein, and all persons, whether in being or not in being, having any interest, present, future or contingent, in the property sought to be leased, will be fully bound by the proceedings hereunder.

Sec. 5. *Decree.*—Should the court appoint a trustee pursuant to Sec. 1 hereof, the court shall, in its decree, require such trustee to give a bond in favor of the owners of the property which is to be leased and shall fix the amount of such bond. The decree of the court shall further provide for all the terms and provisions of the lease which the trustee is authorized to make. It shall be discretionary with the court as to whether or not the trustee's sale of lease shall be public or private, and the decree shall provide therefor, and if a public sale be authorized the court shall, in its decree, fix and determine the notice to be given. Such sale shall be for cash, payable on confirmation of sale. No appraisement shall be required.

Sec. 6. *Sale, Report of Sale, and Confirmation of Sale.*—The trustee shall proceed, conformably to the provisions of such decree, to sell the lease authorized thereby, and after making such sale shall make a report thereof to the court. Upon the filing of such report, the court may hear evidence as to whether or not the sale price is reasonable, and, if the court be satisfied with the sale and the amount received therefor, such sale shall be confirmed by the court and the lease executed by the trustee approved by the court on the face thereof.

Sec. 7. *Funds—Management.*—All funds received by any trustee appointed under this act shall be held, managed, invested or otherwise dealt with by such trustee under and pursuant to the direction of the court, as the rights and interests of the parties and the equities of the case may require, for the benefit of the persons entitled, or who may become

entitled, thereto, according to their respective rights and interests.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 60 on page 1, section 1, line 2 by inserting "or" after "estate"

Said amendment was agreed to.

Mr. Rhoads moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John Henry Cox
Henry Arrowood	Fred Carpenter	John P. Craig
F. H. Bassett, Jr.	Willis Champion	Fred Creasey
Isaac Blevins	Jno. H. Clarke, Jr.	Thos. S. Dawson
Douglas T. Bolling	A. Roy Copeland	Adron Doran
J. C. Bradley	Marvin Cornett	J. R. Dorman

T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the House took up for consideration the Special Order, entitled:

H. B. 52. An Act authorizing agreements consolidating oil and gas leases to be executed by trustees under court ap-

pointment in cases where contingent future interests are involved.

With an amendment thereto previously adopted by the House.

(For bill and amendment see House Journal of January 21)

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John Henry Cox	Clyde S. Howard
Henry Arrowood	John P. Craig	Jerry F. Howell
F. H. Bassett, Jr.	Thos. S. Dawson	J. J. Huff
Isaac Blevins	Adron Doran	W. H. Hunt
Douglas T. Bolling	J. R. Dorman	Lee Johnson
J. C. Bradley	T. H. Dyer	Paul S. Jonas
Jno. W. Burkhart	Harry W. Ennis	Wm. E. Justice
Chas. W. Burnley	Dr. J. C. Gabbard	H. Clay Kauffman
C. D. Call	Chas. B. Gentry	M. Kavanaugh
Fred Carpenter	Franklin Goins	G. M. Knuckles
Willis Champion	R. M. Hall	Homer E. Losey
Jno. H. Clarke, Jr.	Jas. P. Hallahan	A. L. Love
A. Roy Copeland	B. C. Holbrook	Pearl McKinney
Marvin Cornett	Benton Howard	Ed Marcum

C. C. May	L. W. Preston	E. A. Spencer
Harry L. Moore	Kleber F. Price	Arthur Stallard
Herbert V. Moore	Edw. F. Prichard	Geo. W. Steinford
J. Lee Moore	James E. Quill	Joe Stewart
L. D. Moore	C. R. Reeves	Thos. M. Swope
C. Sid Nabb	L. Allen Rhoads	C. W. Taylor
Coy C. Nevitt	Wade H. Riley	Egbert V. Taylor
Jno. C. Newcomb	H. G. Royalty	H. Thieman, Jr.
Joe E. Nunn	Amos Runyon	E. B. Thompson
H. C. Patterson	Carl Scheben	John L. Trumbo
Chester Peterson	F. W. Schuhmann	S. J. Wagner
Albert W. Pfeiffer	Jno. W. Simmons	Harry F. Walters
Sylvester Phillips	Faust Y. Simpson	R. E. West
James T. Philpott	George T. Smith	Taylor Witt
J. Gip Prather	Robt. J. Spaulding	

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Those who voted in the negative—
Fred Creasey

—1

Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the House took up for consideration the Special Order entitled:

H. B. 53. An Act authorizing agreements consolidating oil and gas leases to be executed by guardians of minors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A guardian of a minor may enter into consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

Sec. 2. A consolidation agreement, within the provisions of this act, is an agreement which provides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portions thereof, so that the oil and gas leases or portions thereof embraced in such agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidated area shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

Sec. 3. (a) Upon the execution of such a consolidation agreement, the guardian shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3) disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the minor or minors for whom such guardian is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian

ad litem to represent the minor or minors whose interests are sought to be consolidated hereunder. The guardian ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvantages of such agreement, and shall make such recommendation to the judge relating to the agreement as he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon, which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 53 on page 1, section 1, line 1 by inserting "a" before "consolidation"

Said amendment was agreed to.

Mr. Rhoads moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jas. P. Hallahan	Chester Peterson
Henry Arrowood	Claude Hammons	Albert W. Pfeiffer
F. H. Bassett, Jr.	B. C. Holbrook	Sylvester Phillips
Isaac Blevins	Benton Howard	James T. Philpott
Douglas T. Bolling	Clyde S. Howard	J. Gip Prather
J. C. Bradley	Jerry F. Howell	L. W. Preston
Jno. W. Burkhart	J. J. Huff	Kleber F. Price
Chas. W. Burnley	W. N. Hughes	Edw. P. Prichard
C. D. Call	W. H. Hunt	James E. Quill
Fred Carpenter	Lee Johnson	L. Allen Rhoads
Willis Champion	Paul S. Jonas	Wade H. Riley
Jno. H. Clarke, Jr.	Wm. E. Justice	H. G. Royalty
A. Roy Copeland	H. Clay Kauffman	Amos Runyon
Marvin Cornett	M. Kavanaugh	Carl Scheben
John Henry Cox	G. M. Knuckles	F. W. Schuhmann
John P. Craig	J. T. Linton	Jno. W. Simmons
Thos. S. Dawson	Homer E. Losey	Faust Y. Simpson
Adron Doran	C. C. May	George T. Smith
T. H. Dyer	Johnston Miller	Robt. J. Spaulding
Bernie S. Edlin	Harry L. Moore	E. A. Spencer
Harry W. Ennis	Herbert V. Moore	Arthur Stallard
Dr. J. C. Gabbard	J. Lee Moore	Geo. W. Steinford
Chas. B. Gentry	L. D. Moore	Joe Stewart
Franklin Goins	Coy C. Nevitt	Thos. M. Swope
J. D. Gross	Jno. C. Newcomb	C. W. Taylor
R. M. Hall	Joe E. Nunn	Egbert V. Taylor

Roy L. Taylor	E. B. Thompson	R. E. West
H. Thieman, Jr.	John L. Trumbo	Taylor Witt
	S. J. Wagner	

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There voted in the negative—

Fred Creasey —1

Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the House took up for consideration the Special Order, entitled:

H. B. 54. An Act authorizing agreements consolidating oil and gas leases to be executed by committees of persons of unsound mind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A committee of a person of unsound mind may enter into a consolidation agreement, as herein defined, subject to approval by the circuit judge as provided in Section 3 hereof. The detailed provisions of such agreement may be such as the court approves, consistently with the provisions of Section 2 hereof.

§ 2. A consolidation agreement, within the provisions of this act, is an agreement which provides for the consolidation of an oil and gas lease, or some portion thereof, with some other oil and gas lease or leases, or portions thereof, so that the oil and gas leases or portions thereof embraced in such

agreement shall be operated and developed for oil and gas purposes as one unit lease, and all royalties which may accrue from production on such consolidated area shall be treated as an entirety and shall be divided among and paid to the owners (or their lawful representatives) of the royalties in such area upon an acreage basis, so that each shall receive a share of such royalties calculated upon the basis of the ratio between each owner's interest in royalty and the entire interest in the royalties embraced in the consolidated area.

§ 3. (a) Upon the execution of such a consolidation agreement, the committee shall file with the Clerk of the Circuit Court in the county in which the land covered by the lease to be consolidated hereunder, or the greater portion thereof, lies, a petition setting forth a copy of the consolidation agreement and a statement of facts constituting the grounds relied upon to secure the approval of such agreement, and shall submit with the petition the affidavits of not less than three (3) disinterested owners of real estate in the county wherein the proceedings hereunder are brought, as to whether such agreement will be advantageous or beneficial to the person or persons of unsound mind for whom such committee is acting, which affidavits shall be filed and preserved as records of the circuit court.

(b) No agreement permitted by this act shall be valid or effective until the judge of said court appoints a guardian ad litem to represent the person or persons of unsound mind whose interests are sought to be consolidated hereunder. The guardian ad litem shall file an answer and the affidavits of at least three witnesses, proving the advantages or disadvantages of such agreement, and shall make such recommendation to the judge relating to the agreement as he believes to be most beneficial to the persons on whose behalf he is acting. He shall receive for his services a reasonable compensation, to be allowed by the judge and taxed as costs.

(c) The judge shall, either in term time or in vacation, proceed in a summary manner to approve or disapprove the consolidation agreement, and if he approves it he shall endorse his approval thereon, which endorsement shall be recorded with such agreement. The order of the judge approving such agreement, whether made in term time or in vacation, shall be entered on the Civil Order Book of the circuit clerk's office of the county in which the proceedings hereunder are brought.

Mr. Rhoads moved the Previous Question.

Thereuopn the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	Chas. B. Gentry
Henry Arrowood	Marvin Cornett	Franklin Goins
F. H. Bassett, Jr.	John Henry Cox	J. D. Gross
Isaac Blevins	John P. Craig	R. M. Hall
Douglas T. Bolling	Thos. S. Dawson	Jas. P. Hallahan
Jno. W. Burkhart	Adron Doran	Claude Hammons
Chas. W. Burnley	J. R. Dorman	B. C. Holbrook
C. D. Call	T. H. Dyer	Benton Howard
Fred Carpenter	Bernie S. Edlin	Jerry F. Howell
Willis Champion	Harry W. Ennis	J. J. Huff
Jno. H. Clarke, Jr.	Dr. J. C. Gabbard	W. N. Hughes

W. H. Hunt	Jno. C. Newcomb	F. W. Schuhmann
Lee Johnson	Joe E. Nunn	Jno. W. Simmons
Paul S. Jonas	H. C. Patterson	Faust Y. Simpson
Wm. E. Justice	Chester Peterson	George T. Smith
H. Clay Kauffman	Albert W. Pfeiffer	Robt. J. Spaulding
M. Kavanaugh	Sylvester Phillips	E. A. Spencer
G. M. Knuckles	James T. Philpott	Arthur Stallard
J. T. Linton	J. Gip Prather	Geo. W. Steinford
Homer E. Losey	L. W. Preston	Joe Stewart
A. L. Love	Kleber F. Price	C. W. Taylor
Pearl McKinney	Edw. P. Prichard	Egbert V. Taylor
C. C. May	James E. Quill	Roy L. Taylor
Johnston Miller	C. R. Reeves	H. Thieman, Jr.
Harry L. Moore	L. Allen Rhoads	E. B. Thompson
Herbert V. Moore	Wade H. Riley	John L. Trumbo
J. Lee Moore	H. G. Royalty	Harry F. Walters
L. D. Moore	Amos Runyon	R. E. West
Coy C. Nevitt	Carl Scheben	Taylor Witt

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Those who voted in the negative were—

Fred Creasey	Clyde S. Howard	—2

Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Rhoads moved that the vote by which the House agreed that the vote by which a bill entitled:

H. B. 60. (For title see Journal of today ante)

Was passed, be reconsidered and laid on the table,

Be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Rhoads moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 60 on page 1, Section 1, line 3 by inserting "or" before "possibility"

Said amendment was agreed to.

Said bill having been read the third time by its title only,

The yeas and nays were taken thereon in accordance with the provisions of the Constitution and were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. H. Clarke, Jr.	Dr. J. C. Gabbard
Henry Arrowood	A. Roy Copeland	Chas. B. Gentry
F. H. Bassett, Jr.	Marvin Cornett	Franklin Goins
Isaac Blevins	John P. Craig	J. D. Gross
Douglas T. Bolling	Fred Creasey	R. M. Hall
J. C. Bradley	Thos. S. Dawson	Jas. P. Hallahan
Jno. W. Burkhart	Adron Doran	Claude Hammons
Chas. W. Burnley	J. R. Dorman	B. C. Holbrook
C. D. Call	T. H. Dyer	Benton Howard
Fred Carpenter	Bernie S. Edlin	Clyde S. Howard
Willis Champion	Harry W. Ennis	Jerry F. Howell

J. J. Huff	L. D. Moore	Carl Scheben
W. N. Hughes	C. Sid Nabb	F. W. Schuhmann
W. H. Hunt	Jno. C. Newcomb	Jno. W. Simmons
Lee Johnson	Joe E. Nunn	Faust Y. Simpson
Paul S. Jonas	H. C. Patterson	George T. Smith
Wm. E. Justice	Chester Peterson	Robt. J. Spaulding
H. Clay Kauffman	Albert W. Pfeiffer	E. A. Spencer
M. Kavanaugh	Sylvester Phillips	Arthur Stallard
G. M. Knuckles	James T. Philpott	Geo. W. Steinford
J. T. Linton	J. Gip Prather	Joe Stewart
Homer E. Losey	L. W. Preston	Thos. M. Swope
A. L. Love	Kleber F. Price	C. W. Taylor
Pearl McKinney	Edw. P. Prichard	Egbert V. Taylor
Ed Marcum	James E. Quill	Roy L. Taylor
C. C. May	C. R. Reeves	H. Thieman, Jr.
Johnston Miller	L. Allen Rhoads	E. B. Thompson
Harry L. Moore	Wade H. Riley	John L. Trumbo
Herbert V. Moore	H. G. Royalty	R. E. West
J. Lee Moore	Amos Runyon	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howard moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon Mr. Howard of the Committee on Suffrage and Elections to which the same had been referred, reported bills of the following titles, viz.:

H. B. 98. An Act relating to primary elections.

H. B. 25. An Act relating to Old Age Assistance.

With an amendment thereto by way of Substitute therefor.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

Without objection, the following bills and resolutions were introduced, viz.:

By Mr. Hall.

H. B. 150. An Act relating to trial of felony cases where two or more defendants are indicted for the same offense.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 237 of Carroll's Kentucky Criminal Code of Practice, 1938 Edition, be and the same is hereby repealed, amended, and re-enacted so that when so amended and re-enacted the said Section shall read as follows:

If two or more defendants be jointly indicted for a felony the Court, upon motion of either defendant, or of the Commonwealth, may grant a separate trial to each defendant, but the granting of a separate trial shall be left to the sound discretion of the Court.

By Mr. Hall.

H. B. 151. An Act relating to salary, commissions and compensations of Commonwealth's Attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 69.050 of the Kentucky Revised Statutes of 1942 as adopted by the General Assembly at its 1942 session, be and the same is hereby repealed, amended, and re-enacted, so that the same when so amended and re-enacted, shall read as follows:

"Each Commonwealth's attorney shall receive an annual salary of $500 to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and prerequisites he shall be allowed the sum of $4,500 per annum out of the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160 he shall receive forty percent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $4,500 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $4,500. In no case shall he receive more than $5,000 out of the State Treasury for any one year. The fiscal court of any county may allow the Commonwealth's attorney for that county additional compensation as it deems proper, to be paid as other claims against the county are paid, except that such additional compensation may not be allowed where it would result in the total compensation of the Commonwealth's attorney for any year exceeding $5,000."

By Mr. Philpott.

H. B. 152. An Act relating to pool rooms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.320 of the Kentucky Revised Statutes is repealed.

By Mr. Burkhart.

H. B. 153. An Act relating to small firearms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person in this state owning or possessing a pistol, revolver or similar weapon shall, in the manner and within the time specified in this Act, register the same with the sheriff of the county, of his residence. The provisions of this section shall not require the registration of shotguns or rifles.

§ 2. The sheriff of each county shall have printed proper forms, in a style prescribed by the Division of Highway Patrol, for registering weapons as required in section one of this Act, which forms shall show the following information: (1) Name, age, sex and race of owner or possessor. (2) Residence of owner and possessor. (3) A full description of the weapon, with the serial or stock number. (4) The premises where the weapon is usually kept.

§ 3. The sheriff of each county shall give notice by publication in a newspaper of general circulation in that county, calling attention to the requirements of this Act, and fixing a

date for the required registration of weapons, which date shall be not later than ninety days nor earlier than fifteen days after the effective date of this Act.

§ 4. On or before the date fixed by the sheriff as provided in Section 3 of this Act, every owner or possessor of a weapon required to be registered shall secure a registration form in duplicate from the sheriff and fully fill out the forms, listing and describing every weapon required to be registered. The completed registration form, in duplicate, shall be signed by the registrant, and his signature witnessed by two responsible witnesses whose addresses shall also be shown. The completed and signed registration forms shall then be filed with the sheriff of the county of the residence of the owner or possessor of the weapons listed thereon, on or before the date fixed by the sheriff as provided. Any person who acquires such a weapon after the date set for registration shall within ten days register the weapon in the same manner.

§ 5. Any person or corporation selling any pistol, revolver or similar weapon shall within twenty-four hours thereafter file a report of the sale, in duplicate, with the sheriff of the county in which the sale was made. The report shall show the name, address, age, sex and race of the purchaser, and shall give a full and accurate description of the weapon sold including the serial or stock number. The provisions of this section shall not apply to the sale of shotguns or rifles.

§ 6. The sheriff shall keep all original registration and sale report forms filed with him under the provisions of this Act in a safe convenient file. This file shall at all times be so kept and maintained as to make readily available the information therein contained. All original registration forms shall be filed and kept in alphabetical order, and shall not be removed from the office of the sheriff except on court order.

§ 7. The sheriff of each county shall file, on or before the tenth day of each month, with the central office of the State

Highway Patrol, the duplicate or second copies of all registration and sale report forms filed with him under the provisions of this Act.

§ 8. The funds necessary to carry out the provisions of this Act shall be provided by the fiscal court of each county.

§ 9. Any person or corporation violating any provision of this Act shall be fined not less than ten dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

By Mr. H. L. Moore.

H. B. 154. An Act relating to individuals who are exempt from poll taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 142.020 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) All citizens of this state who are sixty years of age or older are exempt from all poll taxes.

(2) Any honorably discharged soldier, sailor or marine who has served ninety days or more in the military or naval forces of the United States, who was a resident of this state at the time of his induction into service, and who is totally disabled as evidenced by pension certificate or award of compensation, is exempt from all poll taxes.

By Mr. H. L. Moore.

H. B. 155. An Act relating to assessment of property for taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 133.120 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) Any taxpayer aggrieved by an assessment made by the tax commissioner may appeal to the board of supervisors. A letter or petition stating the reasons for appeal shall be filed with the county court clerk before the board convenes. The board shall hold a public hearing for all appeals, and after hearing all the evidence, it shall make such changes as are necessary to make appealed assessments valid. The board may on its own initiative increase an assessment or assess unlisted property, but in either instance it shall give notice to the owner if known, otherwise to the occupant, of its action and the day and date on which the taxpayer may appear before the board and protest its action. The tax commissioner or his deputy shall without further compensation serve the notice in the manner in which summons are required by the Civil Code of Practice to be served by the sheriff. After hearing all the evidence, the board shall make such changes in the assessments initiated by it against the protesting taxpayer as are necessary to make the assessments valid. The board of supervisors may issue subpoenas, compel the attendance of witnesses, administer oaths, and adopt rules and regulations concerning the conduct of its business.

(2) Any taxpayer feeling himself aggrieved by the final action of the board of supervisors may within thirty days after its adjournment appeal to the circuit court or the Kentucky Tax Commission by filing a statement of the grounds for his appeal and a certified copy of the action of the board of supervisors. Upon taking such appeal to the circuit court the taxpayer shall give notice in the manner provided by the Civil Code of Practice to the Department of Revenue and the

county attorney. The tax commissioner, the county judge, the Department of Revenue, the chief finance officer of any city using the county assessment, if the city elects so to do, or the superintendent of any school district in which property is located that was reviewed by the board of supervisors, may appeal to the circuit court or to the Kentucky Tax Commission in the same manner as a taxpayer. The court or Tax Commission shall hear the evidence de novo and fix a value upon the property which shall be equitable with assessments determined for other property by the county tax commissioner or the board of supervisors. Any of the parties may appeal from the judgment of the circuit court to the Kentucky Court of Appeals in the manner provided by the Civil Code of Practice for appeals from judgments of the circuit court or from the Kentucky Tax Commission to the Franklin Circuit Court as provided by law.

(3) It shall be the duty of the county attorney to represent the tax commissioner in all hearings before the board of supervisors or appeals from its decisions.

By Mr. Hall.

H. B. 156. An Act relating to income taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Revenue.

(2) "Department" means the Department of Revenue.

(3) "Net income" means that income upon which a taxpayer pays income taxes to the Federal Government.

(4) "Individual" means all natural persons whether married or unmarried, and all trusts, estates and fiduciaries acting for other persons. It does not include corporations or partnerships acting in their own behalf.

(5) "Partnership" includes all co-partnerships, whether general or special, limited or unlimited and all joint enterprises.

(6) "Resident" applies only to natural persons and includes, for the purpose of determining liability for the taxes imposed by this chapter upon the income of any taxable year, every person domiciled in this state on the last day of the taxable year, and every other person who for more than six months of the taxable year has maintained his place of abode within this state, whether domiciled in this state or not. But any person who on or before the last day of the taxable year changes his place of abode to a place without this state, with the bona fide intention of continuing actually to abide permanently without this state, shall be taxable as a nonresident is taxable under this chapter. The fact that a person who has changed his place of abode again resides within this state within six months of such change shall be prima facie evidence that he did not intend permanently to have his place of abode without this state. Such person not having returned his income for taxation as a resident of this state shall be deemed to have resided, on the day when his income should have been listed, at his last place of abode within this state. The fact that a person does not claim or exercise the right to vote at public elections within this state shall not of itself constitute him a nonresident of this state within the meaning of this Act.

(7) "Taxable year" means the calendar year, or the fiscal year ending during the calendar year upon the basis of which the net income is computed under this Act. It includes, in the case of a return made for a fractional part of a year

under the provisions of this Act, the period for which the return is made.

(8) "Taxpayer" includes any individual, corporation, partnership, association, trust or estate required by this Act to pay tax or to file reports.

§ 2. (1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his net income, which tax shall be equal to two percent of the amount of federal income tax for the same taxable year due from such individual.

(2) An annual tax shall be paid for each taxable year, by natural persons not residents of this state, equal to such proportion of two percent of the amount of federal income tax for the same taxable year due from each such person as the amount of net income received by such person in this state bears to the total net income received by such person from all sources. For the purpose of this subsection, the net income received in this state by a nonresident natural person shall consist only of income received from business, trade, occupation or profession carried on in this state, from all tangible property located in this state, and from all intangible property that has acquired a business situs in this state. Exemptions and deductions allowed under the federal income tax laws in computing net income shall be prorated in the proportion that the gross income received in this state bears to the taxpayer's entire gross income, for the purpose of determining the proportion of net income allocable to this state.

(3) In the case of a nonresident who derives income taxable under this Act from sources in this state, the Commissioner of Revenue shall require not to exceed five percent of his income to be withheld by the employer or other person making payments to the nonresident in order to satisfy the state's income tax claim. On failure to withhold the tax or

to remit it to the department within thirty days, the employer or other person hereby charged with the duty of withholding the tax shall be personally liable for the tax and the penalty and interest thereon. After the nonresident has submitted his annual return and it has been audited, the department shall refund any overpayment with interest at six percent per annum from the date received until certified for refund.

§ 3. The tax imposed by section 2 of this Act upon individuals shall apply to estates and trusts and to all fiduciaries. The tax shall be paid annually upon the income of estates and of property held in trust, or the net income thereof, at the same rate as is provided in section 2 of this Act. The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts, whether the income is taxable to the estate or trust or to the beneficiaries thereof. The tax shall be paid by the same persons who are required to pay federal income taxes with respect to income received in connection with the estate or trust.

§ 4. Every corporation organized under the laws of this state and every foreign corporation doing business in this state except state and national banks and trust companies, building and loan associations organized under the laws of this state and under the laws of the United States and making loans to members only, insurance companies, including farmers' or other mutual hail, cyclone, windstorm or fire insurance companies, insurers and reciprocal underwriters, and religious, educational, charitable and other corporations not organized or conducted for pecuniary profit, shall pay for each taxable year a tax to be computed by the Department of Revenue upon such portion of the net income of the corporation as is derived from business done, property located or sources in this state. The tax shall be at the rate of two percent on such proportion of the federal income tax payable by the corporation for the same taxable year as the net income of the corporation derived from business done, property

located or sources in this state bears to the total net income of the corporation. The allocation shall be made as provided in section 7 of this Act.

§ 5. (1) The Department of Revenue shall prescribe forms necessary for the administration of this Act, and shall apply as far as practicable the administrative and judicial interpretations of the federal income tax law.

(2) Every taxpayer liable to any tax imposed by this Act shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the department from time to time may prescribe. Whenever the department judges it necessary, it may require any taxpayer, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the department deems sufficient to show whether or not the taxpayer is liable to tax, and the extent of such liability.

(3) The Commissioner of Revenue or his authorized agent or representative, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income of any taxpayers, may require the attendance of the taxpayer or of any other person having knowledge in the premises.

§ 6. In the case of partnerships, if the federal income tax is payable on the income of the partnership as such, the partnership shall pay an annual tax to this state on the net income of the partnership, for each taxable year, equal to two percent of the amount of the federal income tax for the same taxable year. If the partnership income is assessable to the individual partners for federal income tax purposes, the tax imposed by section 2 of this Act shall apply.

§ 7. (1) Interest, dividends, rent and royalties not received in connection with the transaction of the business of

a corporation, and gains from the sale of property not held, owned or used in connection with its business, less any related expenses, shall be allocated to this state if received from sources within this state. If received from sources outside this state, such income shall be allocated outside this state. The balance of corporate net income, hereinafter referred to as business income, shall be allocated to this state as hereunder set forth. Gains or losses by domestic corporations from the sale of securities issued by foreign governments or by corporations organized under the laws thereof shall be allocated to this state.

(2) If the trade or business of the corporation is carried on entirely within this state, the entire business income shall be allocated to this state. If the trade or business is carried on partly within and partly without this state, only the portion of the business income reasonably attributable to the trade or business within this state shall be allocated to this state, to be determined, in the event separate accounting is impracticable, as follows:

(a) Interest, dividends, rents and royalties, less related expenses, received in connection with business in this state shall be allocated to this state, and that received in connection with business outside of this state shall be allocated outside of this state.

(b) Gains from the sale of capital assets or property held, owned or used in connection with the trade or business of a corporation but not for sale in the regular course of business, shall be allocated to this state if the property sold is real or tangible personal property situated in this state or intangible property connected with the business in this state.

(3) Net income of the classes covered in paragraphs (a) and (b) of subsection (2) of this section having been separately allocated as provided, the remainder of the net business income of a corporation carrying on business partly within

and partly without this state shall be allocated and apportioned as follows:

(a) Where income is derived from business other than the manufacture and sale of tangible personal property or the conduct of a public utility, the income shall be specifically allocated or equitably apportioned within and without this state under rules and regulations of the Department of Revenue.

(b) Where income is derived from the manufacture or sale of tangible personal property, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property and business within this state bears to the value of the total tangible property and total business, the percentage of tangible property and of business being separately determined as hereinafter provided and the two percentages averaged.

(c) For the purpose of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income is returned, excluding any property the income of which is separately allocated under the foregoing provisions of this section.

(d) The business of the corporation shall be measured by the amount of all receipts during the year from sales and other sources connected with the business, excluding receipts from the sale of capital assets and property not sold in the regular course of business and receipts from interest, dividends, rents and royalties separately allocated as above provided. Accounts receivable from sales and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis.

(e) Receipts from sales and other sources shall be assigned to the office, agency or place of business of the corporation at which the transactions giving rise to the receipts are chiefly handled and attended to with respect to the negotiation and execution.

(4) For the purpose of this section "sale" shall include exchange, and "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing.

(5) Where business income is derived from the conduct of a public utility, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the tangible property and business within this state bear to the total tangible property and total business, the percentages of tangible property and of business being separately determined as hereinafter provided, and the two percentages averaged.

(a) For the purpose of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is separately allocated under the foregoing provisions of this section.

(b) In determining the tangible property located within this state of a railroad company operating both within and without this state, the valuation of car rolling stock and equipment and locomotive rolling stock and equipment within this state shall be found by applying to the total valuation of the entire rolling stock and equipment of each respective class belonging to the company that proportion which the car mileage within this state during the income year bears to the total car mileage of the company's cars, and which the locomotive

mileage within this state during the income year bears to the total locomotive mileage of the company's locomotives, used in the conduct of its business both within and without this state for that year.

(c) The business of the public utility shall be measured by the amount of receipts from the carrying on of the business. Receipts in this state shall include, in addition to all receipts from business commencing and terminating within this state, such portion of receipts from all interstate business passing through or into or out of this state as is determined by applying to gross receipts from all business of transportation and communication enterprises that percentage which the mileage within this state over which such business was carried bears to the entire mileage over which it was carried. Accounts receivable from services rendered and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis.

(d) The department shall prescribe methods of allocating receipts of other utilities.

(e) If the public utility keeps its records of operating revenues and operating expenses on a state basis in accordance with the standard classification of accounts prescribed by the Federal Communication Commission or the Interstate Commerce Commission, and in a manner to include in income for this state the effect of all intrastate and interstate business applicable to this state, those records may be used in allocating the income within this state.

§ 8. If any corporation or partnership dissolves or withdraws from this state during any taxable year, or if any corporation in any manner surrenders or loses its charter during any taxable year, the dissolution, withdrawal or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of income taxes for the period of

that taxable year during which the corporation or partnership had an income in this state.

§ 9. The income of each taxpayer shall be computed for the purposes of this Act on the basis of the same calendar or fiscal year as in his federal income tax return.

§ 10. (1) All returns of income for the preceding taxable year shall be made by April 15 in each year, except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year.

(2) Blank forms of returns for income shall be supplied by the Department of Revenue, which shall deliver them to the taxpayers not later than February 15 of each year. The department shall obtain an individual income tax return from every taxpayer who is liable under the law to file a return, but this duty shall in no manner diminish the obligation of the taxpayer to file a return without being called upon to do so.

(3) Whenever in the opinion of the Department of Revenue it is necessary to examine the Federal income tax return or a copy thereof any taxpayer in order properly to audit his return, the department may compel the taxpayer to produce for inspection a copy of his Federal return and all statements and schedules in support thereof.

§ 11. (1) The Department of Revenue may grant a reasonable extension of time for filing income returns whenever in its judgment good cause exists, and shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no extension shall be granted for more than six months, and in no case for more than one year. If the time for filing a return is deferred, the taxpayer shall pay, as part of the tax, an amount equal to six percent per annum on the

tax ultimately assessed from the time the return was due until it is actually filed in the office of the department.

(2) If any report or return required by this Act is not made as required, the department may make an estimate of the net income of the taxpayer and of the amount of tax due from any information in its possession, and assess the tax at not more than twice the amount estimated to be due and require payment of the taxes, penalties and interest due to the state from the person thus assessed.

(3) Any person who fails to make any report or return required by this Act within the time required shall pay a penalty of ten percent of the tax found to be due, but in no case less than ten dollars, to be assessed and collected in the manner provided for the assessment and collection of taxes under this Act, or in a civil action, at the instance of the department. In addition such delinquent may be compelled to make the required report or return. Any officer of a corporation or any other person who makes a fraudulent return or statement with intent to defeat or evade the payment of the taxes prescribed by this Act shall pay the same penalty as provided in this subsection for failure to make returns on time. The Franklin circuit court shall have jurisdiction of all causes under this Act, except as the Constitution provides otherwise.

§ 12. Every individual, fiduciary or partnership who is required by federal law to file a federal income tax return shall file a return under this Act.

§ 13. (1) Every corporation doing business in this state, except those exempt from taxation under section 4 of this Act, shall make a return stating specifically its total net income and the part thereof that is allocable to Kentucky. Corporations that are affiliated must each make a separate return.

(2) Every corporation return or report required by this Act shall have annexed thereto the affidavit of the president, vice-president, secretary, treasurer, assistant secretary or assistant treasurer, and the chief accounting officer of the corporation, to the effect that the statements contained therein are true. Every partnership return or report shall have a like affidavit of one of its members. The Department of Revenue may require a further or supplemental report of further information and data necessary for computation of the tax.

(3) In the case of a corporation doing business in this state that carries on transactions with stockholders or with other corporations related by stock ownership, by interlocking directorates, or by some other method, the department shall require information necessary to make possible accurate allocation of the income derived by the corporaton from sources within this state. To make possible such allocation, the department may require the corporation to file supplementary returns showing information respecting the business of any or all individuals and corporations related by one or more of these methods to the corporation. The department may require the return to show in detail the record of transactions between the corporation and any or all other related corporations or individuals.

§ 14. As soon as practicable after each return is received, the Department of Revenue shall examine and audit it. If the amount of tax computed by the department is greater than the amount returned by the taxpayer, the excess shall be assessed by the department within three years from the date the return was originally due or filed, except that in the case of failure to file a return or of a fraudulent or incomplete return the excess may be assessed at any time. A notice of such assessment shall be mailed to the taxpayer.

§ 15. (1) The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid

to the Department of Revenue at the time fixed for filing returns, except that any taxpayer may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payments shall not be subject to any interest charge, if the payments are received within the time specified. If additional amounts are found to be due after the return has been filed, such amounts shall be subject to interest at six percent per annum from the time the return was originally due until payment is actually made to the department.

(2) If taxes imposed by this chapter are not paid when due, the taxpayer shall pay as a penalty, in addition to the amount of the tax, an additional tax of five percent of the amount due, plus one percent for each month the tax or additional tax remains unpaid. The department, upon submission to it of satisfactory evidence that the failure to pay the taxes within the time prescribed was not willful or evasive, may modify the exaction to not less than one percent for each month following the due date of the tax.

(3) Every tax imposed by this Act, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the person liable therefor.

§ 16. Every person in military service who is required by law to file an income tax return and pay income taxes to the State of Kentucky shall not be required to file such return and pay such taxes, which would otherwise become due during his period of military service, until twelve months after the termination of his period of military service or twelve months after the termination of the War, whichever is the earlier.

§ 17. (1) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied by

this Act. The aggrieved taxpayer shall pay the tax under protest as and when required by the Department of Revenue, and may at any time within three years from the date of such payment sue the state through the Department of Finance, in an action at law in any state or Federal court having jurisdiction of the parties and subject matter, for the recovery of the tax paid with legal interest thereon from the date of payment.

(2) If it is finally determined that the tax or any part thereof was wrongfully collected for any reason, the Department of Finance shall draw a warrant on the State Treasurer for the amount of tax adjudged to have been wrongfully collected, together with legal interest thereon. The State Treasurer shall pay the same at once out of the General Fund, in preference to other warrants or claims against the state.

(3) A separate suit need not be filed for each individual payment made by any taxpayer, but a recovery may be had in one suit for as many payments as have been made, so far as they are not barred by the time limitation specified in this section.

§ 18. Any officer of a corporation or any other person who makes a fraudulent return or statement with intent to defeat or evade the payment of the taxes prescribed by this Act shall be guilty of perjury and imprisoned in the penitentiary for not less than one year nor more than five years, in addition to the civil penalty provided in subsection (3) of section 11 of this Act.

§ 19. Section 141.010 to 141.990 of the Kentucky Revised Statutes are repealed.

§ 20. This Act shall take effect on January 1, 1945, and shall apply to income for the calendar year 1944 and for any taxpayer's fiscal year that ends in 1945.

By Mr. Hammons.

H. B. 157. An Act relating to the tax on the sale of admission to places of amusement.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the following rates: If the admission charge is less than ten cents, the rate shall be one cent; if the admission charge is ten cents to twenty cents, the rate shall be two cents; if the admission charge is twenty cents to thirty cents, the rate shall be three cents; if the admission charge is thirty cents to forty cents, the rate shall be four cents; if the admission charge is in excess of forty cents, the rate shall be five cents.

§ 2. A new section of the statutes is created to be numbered KRS 47.110, and to read as follows:

The first seven hundred and fifty thousand dollars of revenue derived each year from the tax imposed by KRS 138.020 shall be credited to the General Fund. All revenue derived from such tax in any year in excess of seven hundred and fifty thousand dollars shall be ear-marked for the acquisition, construction and operation of tuberculosis sanatoria, and is hereby appropriated to the Governor, and to such agency as may be established by the 1944 General Assembly to acquire and construct tuberculosis sanitoria, such appropriations to be expended jointly by the Governor and such agency.

§ 3. WHEREAS, many of the citizens of this Commonwealth are now suffering from the ravages of tuberculosis and it is essential that immediate relief be provided for them, an emergency is declared to exist and this Act shall take effect thirty days after its approval by the Governor.

By Mr. Reeves.

H. B. 158. An Act relating to the inoculation of dogs against rabies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever the State Board of Agriculture determines, after careful investigation, that there is a likelihood of the disease of rabies among dogs in a particular county reaching epizootic proportions, the said board may require the immediate inoculation against rabies of all dogs in the county. The required inoculation shall be by a licensed veterinarian who has been approved by the State Veterinarian, or if no such veterinarian is available in the county, by a veterinarian employed by the State Department of Agriculture, Labor and Statistics. Upon publication of the order of inoculation, each owner of a dog in the county affected by the order shall immediately have his dog inoculated. At the time of inoculation, the veterinarian performing the inoculation shall furnish to the dog owner an official certificate, issued on a form furnished by the State Department of Agriculture, stating that such dog has been inoculated, the date of inoculation, type of vaccine used, and the name of inoculating veterinarian. The certificates shall be serially numbered.

§ 2. When the inoculation of dogs against rabies has been declared necessary by the State Board of Agriculture in any county, it shall be unlawful for any dog owner in that

county to secure a license for a dog, or for any sheriff or deputy sheriff to issue such license, until the owner presents to the sheriff or deputy an official certificate of inoculation provided for in section one of this Act.

§ 3. The certificates provided for in section one of this Act shall be issued in triplicate and distributed by the veterinarian as follows: The original shall be delivered to the dog owner, the duplicate delivered to the sheriff of the county of the dog owner's residence, and the triplicate retained by the veterinarian performing the inoculation.

§ 4. Coincident with the issuance of the certificate of inoculation, the veterinarian performing the inoculation shall furnish with the original of the certificate a serially numbered tag bearing the same number and year as the certificate bears, which tag shall at all times be attached to the collar worn by the dog for which the certificate and tag have been issued.

§ 5. All certificates and tags shall be furnished by the State Department of Agriculture. The general shape of the tag shall be changed from year to year in the same manner as prescribed for the regular dog license tag. The inoculation certificates and tags shall be paid for by the county for which they are issued.

§ 6. In the event of the loss of an inoculation tag, the lost tag shall be replaced by the sheriff by a tag plainly marked "duplicate"; the duplicate tag to be issued at no extra cost to the owner and it shall be issued only after presentation by the owner of the original certificate of inoculation.

§ 7. (1) No person, except the owner or his authorized agent, shall remove any inoculation tag from any dog.

(2) No person shall harbor, or permit to remain about his premises, any dog not wearing an inoculation tag.

§ 8. The State Department of Agriculture, Labor and Statistics shall enforce the provisions of this Act, and may make necessary regulations for its operation.

§ 9. Any person who violates any provision of this Act shall be fined not less than ten dollars nor more than one hundred dollars.

By Mr. Cornett.

H. B. 159. An Act relating to marriages which are prohibited and declared void.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.020 of the Kentucky Revised Statutes is amended to read as follows:

Marriage is prohibited and void:

(1) With an idiot or lunatic;

(2) Between a white person and a Negro or mulatto;

(3) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(4) When not solemnized or contracted in the presence of an authorized person or society;

(5) When at the time of marriage, the male is under eighteen or the female under sixteen years of age.

By Mr. Quill.

H. B. 160. An Act concerning powers of attorney granted by persons serving in the armed forces.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes, either

(a) a member of the armed forces of the United States, or

(b) a person serving as a merchant seaman outside the limits of the United States, or

(c) a person outside said limits by permission, assignment or direction of any department or official of the United States government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

§ 2. An affidavit, executed by the attorney-in-fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this State, such affidavit (when authenticated for record in the manner prescribed by law) shall likewise be recordable.

§ 3. No report or listing, either official or otherwise, of "missing" or "missing in action", as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

§ 4. This Act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney.

§ 5. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Quill.

H. B. 161. An Act relating to the probating of wills.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When it appears to the court that a will cannot be proven as otherwise provided by law because one or more or all of the subscribing witnesses to the will, at the time the will is offered for probate, are serving in or present with the armed forces of the United States or as merchant seamen, or are dead or mentally or physically incapable of testifying or otherwise unavailable, in the course of such service, the court may admit the will to probate upon the testimony in person or by deposition of at least two credible disinterested witnesses that the signature to the will is in the handwriting of the person whose will it purports to be, or upon other sufficient

proof of such handwriting. The foregoing provision shall not preclude the court, in its discretion, from requiring in addition, the testimony in person or by deposition of any available subscribing witness, or proof of such other pertinent facts and circumstances as the court may deem necessary to admit the will to probate.

§ 2. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Quill.

H. B. 162. An Act to provide for the appointment of a conservator under certain circumstances etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever a person (hereinafter referred to as an absentee) serving in or with the armed forces of the United States, or serving as a merchant seaman, has been reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, beseiged, or captured by an enemy, and such person has an interest in any form of property in this State or is a legal resident of this State and has not provided an adequate power of attorney authorizing another to act in his behalf in regard to such property or interests, the county court of the county of such absentee's legal domicile or of the county where such property is situated, upon petition alleging the foregoing facts and showing the necessity for providing care of the property of such absentee, made by any person who would have an interest in the

property of the absentee were such absentee deceased, or on the court's own motion, after notice to, or on receipt of proper waivers from, the heirs and next of kin of the absentee as provided by law for the administration of an estate, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint a conservator to take charge of the absentee's estate, under the supervision and subject to the further orders of the court.

§ 2. The court shall have full discretionary authority to appoint any suitable person as such conservator and may require such conservator to post an adequate surety bond and to make such reports as the court may deem necessary. The conservator shall have the same powers and authority as the guardian of the property of an infant or the committee of an incompetent, and shall be considered as an officer or arm of the court.

§ 3. At any time upon petition signed by the absentee, or on petition of an attorney-in-fact acting under an adequate power of attorney granted by the absentee, the court shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney-in-fact. Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been appointed for his estate, the court shall direct the termination of the conservatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

§ 4. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Quill.

H. B. 163. An Act relating to the acknowledgment of instruments, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the rank of ensign or higher in navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either

(a) is a member of the armed forces of the United States, or

(b) is serving as a merchant seaman outside the limits of the United States, or

(c) is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

(2) Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are here-

by declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in this State under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act, had been made or taken within this State before or by a duly qualified officer or official as otherwise provided by law.

(3) In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or document, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledges the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall be rendered invalid by failure to state the place of execution or acknowledgment.

(4) If the signature, rank, and branch of service or subdivision thereof, of any such commissioned officer, appears upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be required and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this act.

§ 2. Whereas this Nation is now engaged in a war and it is necessary for proper representation of the property interests of persons in the armed services of the Nation that this Act take effect promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Hunt.

H. B. 164. An Act providing for telephones on state bridges and ferries.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Highways shall install telephones, capable of receiving local and long distance calls, on all state owned or operated bridges and ferries.

By Mr. Anderson.

H. B. 165. An Act relating to minimum fair wages for women and minors.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Paragraph "C" of subsection (3) of Kentucky Revised Statutes 337.010, 1942 edition, is amended to read as follows:—

"OCCUPATION" means an industry, trade, domestic service in the home of the employer, or business or branch thereof or class of work therein in which women or minors are gainfully employed, and the same to include labor on a farm.

By Mr. Hammons.

H. B. 166. An Act relating to parole of prisoners.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.105 of the Kentucky Revised Statutes is amended to read as follows:

(1) Until the date upon which the President of the United States shall declare that a National Emergency no

longer exists, the Commissioner of Welfare may, at his discretion, and with the approval of the Governor, and subject to the statutes regulating the manner of granting paroles, parole at any time, for service in the armed forces of this country, any prisoner confined in one of the penal institutions of this state, except a person convicted a third time of a felony.

(2) The provisions of KRS 439.110, except as they relate to persons sentenced for life on a third conviction of felony, shall be suspended during the continuance of the National Emergency, but on and after the date upon which the President of the United States shall declare that a National Emergency no longer exists, said section, unless sooner amended or repealed, shall return to full force and effect.

By Mr. Miller.

H. B. 167. An Act relating to state appropriations for county roads.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 179.410 is amended and re-enacted to read as follows:

The Department of Highways shall allocate the sum appropriated by the State for the construction, reconstruction, improvement, and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the

population of each county bears to the total population of the state.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(4) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

By Mr. Marcum.

H. B. 168. An Act providing that a copy of the Ten Commandments be placed in each classroom in each school etc.

Said bill is as follows, viz.:

Be it Enacted by General Assembly of the Commonwealth of Kentucky:

The Superintendent of Public Instruction is hereby authorized and directed to furnish to each local board of education in this Commonwealth a sufficient number of copies of the Ten Commandments, suitably printed for framing, to provide one copy for each classroom in each school under the direction of said local board of education.

The superintendent of each local board of education is hereby authorized and directed to have a copy of the Ten Commandments from the supply furnished by the Superintendent of Public Instruction placed on the front wall in each classroom in each school under the direction of said local board of education.

For the purpose of carrying out the provisions of this act there is hereby appropriated to the Superintendent of Public Instruction for the fiscal year 1944-45 the sum of Five Hundred ($500) Dollars out of the funds not heretofore appropriated by the General Assembly.

By Mr. Cornett.

H. Res. 29. Resolution authorizing C. Hays Foster to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That C. Hays Foster, of Stanford, Kentucky, is authorized to sue the Commonwealth of Kentucky in Lincoln Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $32.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon

the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Ennis.

H. Res. 30. Joint Resolution refunding taxes illegally collected by the Commonwealth from H. A. McElroy Company Inc. of Bowling Green, Kentucky.

Said Resolution is as follows, viz.:

A JOINT RESOLUTION refunding taxes illegally collected by the Commonwealth of Kentucky from the H. A. McElroy Company, Incorporated, Bowling Green, Kentucky, under Chain Store License Tax, held unconstitutional by the Court of Appeals of Kentucky.

WHERAS, the Kentucky Chain Store License Tax was held unconstitutional by the Court of Appeals in 1939, and

WHEREAS, The H. A. McElroy Company, Incorporated, of Bowling Green, Kentucky, paid in under protest and under threat of being penalized the sum of $1,005.00, and

WHEREAS, numerous large companies or corporations refused to pay in any tax and contested the legality of the Act, and

WHEREAS, the other persons who paid in such tax have been refunded their money since said Act was held unconstitional, and

WHEREAS, the claim of the H. A. McElroy Company, Incorporated, was filed in compliance with the laws of the Commonwealth for a refund, but which claim was misplaced or lost, and such money never repaid to it, and

WHEREAS, it is entirely just and proper that the H. A. McElroy Company, Incorporated, be refunded the exact amount of said tax paid in for the unconstitutional Chain Store License Tax, now,

Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Finance of the Commonwealth of Kentucky secure from the Department of Revenue of the Commonwealth the exact amount collected by the Department of Revenue from the H. A. McElroy Company, Incorporated, of Bowling Green, Kentucky, under the illegal Chain Store Tax Act, and that the Commissioner of Finance issue warrant directing the Treasurer of the Commonwealth of Kentucky to pay the H. A. McElroy Company, Incorporated, the exact sum, to-wit: $1,005.00, paid in by it under said unconstitutional Act.

Ordered that said bills and resolutions be printed and referred.

Mr. Spencer moved that the Rules of this House be suspended, and that a bill entitled:

H. B. 19. An Act relating to juries, repealing, amending and reenacting Sect. 29.390 KRS.

Be advanced to a reading, the report of the Committee on Courts to the contrary notwithstanding.

Without objection, the motion as made by Mr. Spencer was withdrawn.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 26, 1944.

The House was called to order by the Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	R. M. Hall	C. Sid Nabb
Henry Arrowood	Jas. P. Hallahan	Coy C. Nevitt
F. H. Bassett, Jr.	Claude Hammons	Jno. C. Newcomb
W. G. Biggers	B. C. Holbrook	Joe E. Nunn
Isaac Blevins	Benton Howard	H. C. Patterson
Douglas T. Bolling	Clyde S. Howard	Chester Peterson
J. C. Bradley	Jerry F. Howell	Albert W. Pfeiffer
Jno. W. Burkhart	J. J. Huff	Sylvester Phillips
Chas. W. Burnley	W. N. Hughes	James T. Philpott
C. D. Call	W. H. Hunt	J. Gip Prather
Fred Carpenter	Lee Johnson	L. W. Preston
Willis Champion	Paul S. Jonas	Kleber F. Price
Jno. H. Clarke, Jr.	Wm. E. Justice	Edw. F. Prichard
A. Roy Copeland	H. Clay Kauffman	James E. Quill
Marvin Cornett	M. Kavanaugh	C. R. Reeves
John Henry Cox	G. M. Knuckles	L. Allen Rhoads
John P. Craig	J. T. Linton	Wade H. Riley
Fred Creasey	Homer E. Losey	H. G. Royalty
Thos. S. Dawson	A. L. Love	Amos Runyon
Adron Doran	Pearl McKinney	Carl Scheben
J. R. Dorman	Ed Marcum	F. W. Schuhmann
T. H. Dyer	C. C. May	Vernon Seaton
Bernie S. Edlin	Johnston Miller	Leon J. Shaikun
Harry W. Ennis	Harry L. Moore	Jno. W. Simmons
Dr. J. C. Gabbard	Herbert V. Moore	Faust Y. Simpson
Chas. B. Gentry	J. Lee Moore	George T. Smith
Franklin Goins	L. D. Moore	Robt. J. Spaulding
J. D. Gross	W. B. Moser	E. A. Spencer

Arthur Stallard	Roy L. Taylor	Harry F. Walters
Geo. W. Steinford	H. Thieman, Jr.	H. L. Waterfield
Joe Stewart	Otis C. Thomas	R. E. West
Thos. M. Swope	E. B. Thompson	Taylor Witt
C. W. Taylor	John L. Trumbo	
Egbert V. Taylor	S. J. Wagner	

Mr. Wagner moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howard moved that a bill entitled:

H. B. 10. An Act relating to public roads.

Which was reported by the Committee on Ways and Means on yesterday, without an expression of opinion,

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Quill and Hammons, were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	H. Clay Kauffman	W. B. Moser
J. C. Bradley	M. Kavanaugh	C. Sid Nabb
C. D. Call	J. T. Linton	Joe E. Nunn
Fred Carpenter	A. L. Love	H. C. Patterson
Fred Creasey	Pearl McKinney	J. Gip Prather
Adron Doran	C. C. May	L. W. Preston
T. H. Dyer	Johnston Miller	Kleber F. Price
Clyde S. Howard	J. Lee Moore	Edw. F. Prichard

C. R. Reeves	Amos Runyon	Joe Stewart
H. G. Royalty	Jno. W. Simmons	Thos. M. Swope

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Those who voted in the negative were—

Chas. W. Anderson	B. C. Holbrook	Carl Scheben
Henry Arrowood	Benton Howard	F. W. Schuhmann
W. G. Biggers	Jerry F. Howell	Vernon Seaton
Isaac Blevins	J. J. Huff	Leon J. Shaikun
Douglas T. Bolling	W. N. Hughes	Faust Y. Simpson
Jno. W. Burkhart	Lee Johnson	George T. Smith
Chas. W. Burnley	Paul S. Jonas	Robt. J. Spaulding
Willis Champion	Wm. E. Justice	E. A. Spencer
Jno. H. Clarke, Jr.	G. M. Knuckles	Arthur Stallard
A. Roy Copeland	Homer E. Losey	Geo. W. Steinford
Marvin Cornett	Ed Marcum	C. W. Taylor
John Henry Cox	Harry L. Moore	Egbert V. Taylor
John P. Craig	Herbert V. Moore	Roy L. Taylor
Thos. S. Dawson	L. D. Moore	H. Thieman, Jr.
J. R. Dorman	Coy C. Nevitt	Otis C. Thomas
Bernie S. Edlin	Jno. C. Newcomb	E. B. Thompson
Harry W. Ennis	Chester Peterson	John L. Trumbo
Dr. J. C. Gabbard	Albert W. Pfeiffer	S. J. Wagner
Chas. B. Gentry	Sylvester Phillips	Harry F. Walters
Franklin Goins	James T. Philpott	R. E. West
J. D. Gross	James E. Quill	Taylor Witt
Jas. P. Hallahan	L. Allen Rhoads	
Claude Hammons	Wade H. Riley	

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Mr. Shaikun moved that the vote by which the House refused to advance said bill to a reading be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Spencer moved that a bill entitled:

H. B. 19. An Act relating to juries, repealing amending and re-enacting Sec. 20.390 of KRS.

Which was reported on yesterday by the Committee on Courts, with the expression of opinion that said bill ought not to pass.

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Swope moved that the Rule governing the Order of Business of the House, be suspended.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Quill and Scheben, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jerry F. Howell	Sylvester Phillips
W. G. Biggers	J. J. Huff	Wade H. Riley
C. D. Call	W. N. Hughes	H. G. Royalty
Jno. H. Clarke, Jr.	Lee Johnson	Vernon Seaton
Marvin Cornett	G. M. Knuckles	Faust Y. Simpson
J. R. Dorman	Homer E. Losey	Arthur Stallard
Dr. J. C. Gabbard	A. L. Love	Thos. M. Swope
Chas. B. Gentry	Herbert V. Moore	Egbert V. Taylor
J. D. Gross	J. Lee Moore	Otis C. Thomas
Claude Hammons	L. D. Moore	E. B. Thompson
B. C. Holbrook	W. B. Moser	John L. Trumbo
Benton Howard	C. Sid Nabb	Taylor Witt

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Those who voted in the negative were—

Henry Arrowood	J. C. Bradley	Willis Champion
F. H. Bassett, Jr.	Jno. W. Burkhart	John Henry Cox
Isaac Blevins	Chas. W. Burnley	John P. Craig
Douglas T. Bolling	Fred Carpenter	Thos. S. Dawson

Adron Doran	Jno. C. Newcomb	Amos Runyon
Franklin Goins	H. C. Patterson	Carl Scheben
R. M. Hall	Chester Peterson	F. W. Schuhmann
Jas. P. Hallahan	Albert W. Pfeiffer	George T. Smith
Clyde S. Howard	James T. Philpott	Robt. J. Spaulding
Paul S. Jonas	J. Gip Prather	E. A. Spencer
M. Kavanaugh	L. W. Preston	Geo. W. Steinford
J. T. Linton	Kleber F. Price	Joe Stewart
Pearl McKinney	Edw. P. Prichard	C. W. Taylor
Ed Marcum	James E. Quill	H. Thieman, Jr.
Harry L. Moore	C. R. Reeves	S. J. Wagner

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The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 57. An Act to amend Sec. 95.500 KRS to limit the number of hours the firemen of cities of 2nd class shall be required to be on duty.

With a Committee amendment thereto.

H. B. 120. An Act validating acts done and action taken by certain cities under an erroneous classification.

H. B. 93. An Act to revise certain salaries of deputy clerks in counties with a population in excess of 90,000.

H. B. 94. An Act to amend Sec. 67.110 KRS.

With a Committee amendment thereto.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in the Armed Forces.

H. B. 74. An Act relating to licenses for operators of motor vehicles.

With a Committee amendment thereto by way of Substitute therefor.

By Messrs. Walters and Love of the Committees on Agriculture No. 1 and No. 2.

H. B. 13. An Act to provide that 90% of the excise tax paid on refund gasoline be refunded to purchaser, etc.

With an Committee amendment thereto way of Substitute therefor.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills and a resolution entitled:

H. B. 130. An Act relating to local health officers.

H. Res. 26. Resolution authorizing the printing of each Act in the bound volume of the printed Acts, the name of the author, together with date of introduction, passage and signature of Governor.

H. B. 98. An Act relating to primary elections.

H. B. 25. An Act relating to Old Age Assistance.

With an amendment thereto by way of Substitute therefor.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Order that said bills and Resolution be placed in the Orders of the Day.

A message was received from the Senate announcing that they had concurred in a resolution which originated in this House entitled:

H. Res. 21. Resolution urging the Congress of the United States to pass appropriate legislation providing for the conservation of the meal supply of the nation and for adequate and reasonable regulations concerning the marketing of pork.

And that they had passed a bill which originated in this House, entitled:

H. B. 31. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1944, supplementing appropriations heretofore made by the General Assembly for such fiscal year.

Order that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in that body entitled:

S. B. 41. An Act relating to the appointment by a court of competent jurisdiction of an interim trustee for any person in the Armed services reported missing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When any person in the military or armed services of the United States has been reported missing or to be a prisoner of war, his nearest relatives may apply to the County Court of his residence for the appointment of an interim trustee with all the full powers and duties of a regularly appointed trustee to protect and manage the estate of such missing person until his death or the fact that he is still living has been legally established by the Department of War or Navy or by any court or board thereof or by a court of competent jurisdiction.

Any or all acts performed or executed by any person or institution holding a power of attorney executed by any person or institution holding a power of attorney executed by any member of the military or armed forces of the United States shall be legal and binding up to the time that official notice of the death of such member is received.

Whenever any executor, administrator, guardian, trustee or other fiduciary is in the active services of the United States and for that reason unable to carry on his duties as such the County Court which so appointed him shall upon request of those interested appoint a substitute to act for him during his absence.

Ordered that said bill be printed and referred.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 24. An Act amending and re-enacting sections 179.420 and 179.430 of KRS relating to state appropriations for county roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

"(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for construction and maintenance of county roads by the Department of Highways or the fiscal court of each county. Thirty days prior to the beginning of the fiscal year of the Department of Highways, the fiscal court of each county shall, by resolution, declare whether said court expend the funds apportioned under KRS 179.410 for the construction and maintenance of county roads or whether the fiscal court shall enter into a contract with the Department of highways for the construction and maintenance of county roads by the Department of Highways in accordance with plans prepared jointly by the fiscal court and the Department of Highways, or prepared by one or the other and jointly approved. In the event the fiscal court declares that the fiscal court shall expend said funds for the construction and maintenance of county roads, then the funds apportioned to that county shall be by the Treasurer of the Commonwealth paid to the treasurer of the county upon the filing with the Department of Highways and the Treasurer of the Commonwealth certified copies of such resolution. The respective counties through their Treasurers shall keep a separate account of such funds and such records shall be open to the Department of Highways or its duly authorized representatives for inspection and in the event any part of said fund shall be diverted and not expended for the construction and maintenance of county roads the Department of Highways shall have the right to deduct from the next apportionment of funds any money not expended for the construction and maintenance of county roads, it being the intention of the Legislature that such fund

shall be used exclusively for the construction and maintenance of county roads.

"(2) In the event the fiscal court shall by resolution declare that it desires to enter into the joint plan with the Department of Highways for the expending of the apportioned funds for the construction and maintenance of county roads by the Department of Highways, the same shall be expended in accordance with plans agreed to and prepared jointly by the fiscal court of the several counties and the Department of Highways, or prepared by the one or the other and jointly approved. The plan shall take into consideration the mileage of the county roads in the particular county, the condition and the needs of such roads, and the manner in which the funds shall be expended for the fiscal year to which the agreement applies. The plan for each county shall be formulated and agreed to annually. If at the end of thirty (30) days after the beginning of a fiscal year of the Department of Highways the Department and fiscal court of any county have failed to agree on any plan or the fiscal court of any county has refused to pass such resolution as provided above or has refused to submit a plan, the Department may expend the money apportioned to that county on the county roads and bridges thereof in such a manner as the Department determines."

§ 2. Section 179.430 of the Kentucky Revised Statutes is amended to read as follows:

"(1) All the funds apportioned under the provisions of KRS 179.410 shall be expended under the direction of the Department of Highways and no part of the fund shall be turned over to any county or its fiscal court if such fiscal court has by resolution declared that such fund shall be expended for construction and maintenance of county roads by the Department of Highways. In the event the fiscal court declares by resolution that such apportioned funds shall be

expended by the fiscal court for the construction and maintenance of county roads, then such funds shall be turned over as provided in KRS 179.420 to the treasurer of such county.

"(2) In order to provide for the simplification of the administration and facilitate the uniform operation of KRS 179.410 to 179.440, the Department of Highways may prescribe such reasonable rules and regulations, not inconsistent with law, as the Department of Highways deems necessary and proper for the information and guidance of the fiscal courts of the several counties."

Mr. Miller offered the following amendment thereto by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.420 of KRS is amended and re-enacted to read as follows:

(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for the construction and maintenance of county roads by the Department of Highways in accordance with previously agreed plans prepared jointly by the fiscal courts of the several counties and the Department of Highways, or prepared by one or the other and jointly approved. The plans shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which the funds shall be expended for the fiscal year to which the agreement applies, giving priority to the maintenance of county roads and bridges heretofore constructed. The plan for each county shall be formulated and agreed to annually, and, under any circumstances, even though a plan has not been formulated and agreed upon, the Department of Highways is empowered to use such of the funds allotted for the county roads and bridges as may be required for the proper

maintenance of such roads and bridges, which, in the absence of an agreed plan, shall not exceed 25% of the allotment to the county for the fiscal year, and such maintenance cost shall be charged to the allotment of the particular county affected.

(2) If at the end of the fiscal year of the Department of Highways in which the funds were apportioned, the Department and the fiscal court of any county have failed to agree on a plan, the funds so apportioned to such county, less the funds, if any, expended or obligated for the maintenance of theretofore constructed county roads and bridges, to the extent that same have not been obligated by the joint agreement of the Department and the fiscal court, shall be held for the use and benefit of the said county until such time as an agreement may be reached.

Said Substitute was then adopted.

The yeas and nays being required thereon byMessrs. Hammons and Quill, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. D. Gross	Johnston Miller
Henry Arrowood	Jas. P. Hallahan	Harry L. Moore
Isaac Blevins	Claude Hammons	Herbert V. Moore
Douglas T. Bolling	B. C. Holbrook	J. Lee Moore
Willis Champion	Jerry F. Howell	L. D. Moore
Marvin Cornett	J. J. Huff	Coy C. Nevitt
Fred Creasey	W. N. Hughes	Albert W. Pfeiffer
Thos. S. Dawson	W. H. Hunt	Sylvester Phillips
Adron Doran	Lee Johnson	James T. Philpott
J. R. Dorman	Wm. E. Justice	J. Gip Prather
T. H. Dyer	M. Kavanaugh	L. W. Preston
Bernie S. Edlin	G. M. Knuckles	C. R. Reeves
Harry W. Ennis	Homer E. Losey	Amos Runyon
Dr. J. C. Gabbard	Pearl McKinney	Carl Scheben
Chas. B. Gentry	Ed Marcum	F. W. Schuhmann

Vernon Seaton	C. W. Taylor	John L. Trumbo
George T. Smith	Egbert V. Taylor	Harry F. Walters
Robt. J. Spaulding	H. Thieman, Jr.	R. E. West
E. A. Spencer	Otis C. Thomas	Taylor Witt
Arthur Stallard	E. B. Thompson	—59

Those who voted in the negative were—

F. H. Bassett, Jr.	H. Clay Kauffman	L. Allen Rhoads
W. G. Biggers	J. T. Linton	Wade H. Riley
Chas. W. Burnley	A. L. Love	H. G. Royalty
C. D. Call	C. C. May	Leon J. Shaikun
Fred Carpenter	W. B. Moser	Jno. W. Simmons
A. Roy Copeland	C. Sid Nabb	Faust Y. Simpson
John Henry Cox	Jno. C. Newcomb	Geo. W. Steinford
Franklin Goins	Joe E. Nunn	Joe Stewart
R. M. Hall	Chester Peterson	Roy L. Taylor
Benton Howard	Kleber F. Price	S. J. Wagner
Clyde S. Howard	Edw. F. Prichard	
Paul S. Jonas	James E. Quill	—34

Mr. Quill moved that said bill be recommitted.

Mr. Miller moved the Previous Question.

Mr. Roy Taylor moved that the House do now adjourn.

The motion as made by Mr. Taylor was then disagreed to.

The yeas and nays being required thereon by Messrs. Taylor and Quill were as follows, viz.:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	John H. Clarke, Jr.	Adron Doran
Chas. W. Burnley	A. Roy Copeland	R. M. Hall
C. D. Call	John Henry Cox	Benton Howard
Fred Carpenter	Fred Creasey	Clyde S. Howard

Jerry F. Howell	J. Lee Moore	H. G. Royalty
J. J. Huff	Jno. C. Newcomb	Amos Runyon
Paul S. Jonas	H. C. Patterson	Leon J. Shaikun
H. Clay Kauffman	Chester Peterson	Faust Y. Simpson
M. Kavanaugh	L. W. Preston	Joe Stewart
J. T. Linton	Kleber F. Price	Roy L. Taylor
A. L. Love	E. P. Prichard	S. J. Wagner
C. C. May	Wade H. Riley	Harry F. Walters

—36

Those who voted in the negative were—

Chas. W. Anderson	B. C. Holbrook	C. R. Reeves
Henry Arrowood	W. N. Hughes	Carl Scheben
W. G. Biggers	W. H. Hunt	F. W. Schuhmann
Isaac Blevins	Lee Johnson	Vernon Seaton
Douglas T. Bolling	Wm. E. Justice	Jno. W. Simmons
J. C. Bradley	G. M. Knuckles	George T. Smith
Willis Champion	Homer E. Losey	Robt. J. Spaulding
Marvin Cornett	Pearl McKinney	E. A. Spencer
John P. Craig	Ed Marcum	Arthur Stallard
Thomas S. Dawson	Johnston Miller	Geo. W. Steinford
J. R. Dorman	Harry L. Moore	Thos. M. Swope
T. H. Dyer	Herbert V. Moore	C. W. Taylor
Bernie S. Edlin	L. D. Moore	Egbert V. Taylor
Harry W. Ennis	W. B. Moser	H. Thieman, Jr.
Dr. J. C. Gabbard	Coy C. Nevitt	Otis C. Thomas
Chas. B. Gentry	Albert W. Pfeiffer	E. B. Thompson
Franklin Goins	Sylvester Phillips	John L. Trumbo
J. D. Gross	James T. Philpott	R. E. West
Jas. P. Hallahan	J. Gip Prather	Taylor Witt
Claude Hammons	James E. Quill	

—59

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill entitled:

H. B. 15. An Act repealing Section 176.030 KRS.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Thereupon the House resumed consideration of the matter under discussion, to wit:

H. B. 24. (For title see Journal of today ante)

Mr. Quill moved that said bill be made a Special Order of the Day, for Friday at eleven o'clock A. M.

Without objection, said motion was agreed to.

Mr. Quill moved that the Clerk of the House be instructed to have printed the Substitute as offered by Mr. Miller and adopted by the House.

Said motion was agreed to.

Mr. Quill moved that a bill entitled:

H. B. 42. An Act providing funds appropriated by the State for improvements of county roads, etc.

Be made a Special Order of the Day for Friday at eleven o'clock A. M.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

Refer

H. R. No. 29. Claims
H. R. No. 30. Claims
H. B. 150. Codes of Practice
H. B. 151. Courts
H. B. 152. Kentucky Statutes
H. B. 153. Veteran's Legislation
H. B. 154. Revenue and Taxation
H. B. 155. Ways and Means
H. B. 156. Revenue and Taxation
H. B. 157. Revenue and Taxation
H. B. 158. Agriculture No. 2
H. B. 159. Courts
H. B. 160. Courts
H. B. 161. Courts
H. B. 162. Courts
H. B. 163. Courts
H. B. 164. Public Bridges and Ferries
H. B. 165. Immigration and Labor
H. B. 166. Kentucky Statutes
H. B. 167. Roads and Highways No. 1
H. B. 168. Library and Historial Records

Without objection, the following bills were introduced, viz.:

By Mr. Philpott.

H. B. 169. An Act relating to poll tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection two of section 160.480 of the Kentucky Revised Statutes is amended to read as follows:

(2) The board of education of any district other than a district embracing a city of the first class may request the levy of a poll tax, not exceeding one dollar on each male inhabitant within the district over twenty-one years of age who is not exempt by law from paying of poll tax.

By Mr. Preston and members of the Committee on Veteran's Legislation.

H. B. 170. An Act relating to war veterans and establishing a Disabled Ex-Service Men's Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 36.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall consist of five members who shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that one will serve for a term of one year, one will serve for a term of two years, one will serve for a term of three years, and two will serve for a term of four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor from a list of three names for each position on the board to be filled, submitted by the Commander of the American Legion, Department of Kentucky, such list to be approved by the Executive Committee of the American Legion, Department of Kentucky. The members

of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this section, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such service.

§ 2. Section 36.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the Governor for the proper func-

tioning of the militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Armories Division.

(2) Active Militia Division; and

(3) National Guard Division.

§ 3. Any appropriation made by the 1944 General Assembly to the Veterans' Division of the Department of Military Affairs for the fiscal years 1944-1945, 1945-1946, shall be transferred to the credit of, and considered as an appropriation, to the Kentucky Disabled Ex-Service men's Board.

By Mr. Burkhart.

H. B. 171. An Act to appropriate funds for administration of the community school lunch program.

Said bill is as follows, viz.:

WHEREAS, There is no available federal funds with which to reimburse boards of education to furnish school lunches in public schools; and

WHEREAS, This program is administered by the Superintendent of Public Instruction of the Department of Education; and

WHEREAS, No more funds are available for paying expenses of administering these funds; and

WHEREAS, To stop this program now would cause much inconvenience and impair the health program of the children participating; NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated from funds not otherwise appropriated the sum of $7,500 for the use of the Superintendent of Public Instruction to pay the expenses of administering the federal funds now available through the Food Distribution Administration for providing this lunch program in the public schools of the Commonwealth. This fund shall be available for said use from February 1, 1944, to June 30, 1944.

2. WHEREAS, No funds will be available for administering the community school lunch program after February 1, 1944.

NOW, THEREFORE, An emergency is hereby declared to exist and this act shall become effective on and after its passage and approval by the Governor.

By Mr. Justice.

H. B. 172. An Act to control alcoholic beverages within the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE 1.

§ 1. For the purposes of this chapter:

(1) "Alcohol" means ethyl alcohol whatever its origin, and includes synthetic ethyl alcohol but not denatured alcohol.

(2) "Beer" means any beverage obtained by the fermentation of barley, malt, hops or any other similar product or substitute, and containing more than five percent of alcohol by weight.

(3) "Non-intoxicating beer" means any beverage obtained by the fermentation of barley, malt, hops, or similar product or substitute, and containing not more than five percent of alcohol by weight.

(4) "Wine" means any alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products, containing sugar.

(5) "Spirits" means any alcoholic beverage obtained by distillation and mixed with potable water and other substances in solution, and includes brandy, rum, whiskey, cordials and gin.

(6) "Alcohol liquor" includes alcohol, beer, wine and spirits, and any liquid or solid containing more than five percent of alcohol by weight and capable of being used as a beverage.

(7) "Original package" means any closed or sealed container or receptacle used for holding alcoholic liquor.

(8) "Sale" means transfer, exchange, or barter in any manner or by any means, for a consideration, and includes all sales made by principal, proprietor, agent or employe.

(9) "Selling" includes solicitation or receipt of orders; possession for sale; and possession with intent to sell.

(10) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor.

(11) "Manufacturer" means any person, engaged in the manufacture of any alcoholic liquor, and among others includes a distiller, a rectifier, a wine maker, and a brewer.

(12) "Brewery" means an establishment where beer is manufactured or in any way prepared.

(13) "Winery" means an establishment where wine is manufactured or in any way prepared.

(14) "Distillery" means an establishment where alcoholic liquor other than wine or beer is manufactured or in any way prepared.

(15) "Public place" means any place, building or conveyance to which the public has, or is permitted to have access, including restaurants, soda fountains, and hotel rooms and lobbies, and corridors of hotels, and any highway, street, lane, park or place of public resort or amusement.

(16) "State Liquor Store" means a store established and operated by the commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

(17) "An agency" means a drug store, hotel, grocery store or general store designated by the commission as a retail distributor of alcoholic liquor for the Kentucky Liquor Control Commission.

(18) "Department" means the organization through which the commission exercises powers imposed upon it by this chapter.

(19) "Commission" means the Kentucky Liquor Control Commission.

§ 2. No person shall sell, possess for sale, transport, or distribute alcoholic liquors in this state except in accordance with the provisions of this chapter.

§ 3. Except as otherwise provided in this chapter, and subject to the provisions of this chapter, alcoholic liquors, in this state:

(1) Shall be sold only in sealed packages.

(2) Shall not be sold for consumption on the premises where sold.

(3) Shall be manufactured only by persons licensed under the provisions of this chapter.

(4) Shall not be consumed or sold for consumption in a public place.

§ 4. Alcoholic liquors shall be sold at wholesale and retail in this state only by or through the Kentucky Liquor Control Commission, or its retail agencies.

ARTICLE II

§ 1. To accomplish the purposes of this chapter there is hereby created the "Kentucky Liquor Control Commission", which shall be a corporation, and, as such, may sue and be sued, contract and be contracted with, and shall have a common seal. The commission shall constitute an independent agency of the state government, within the meaning of Chapter 12 of the Kentucky Revised Statutes.

§ 2. The commission shall consist of three members to be appointed by the Governor, with the advice and consent of the Senate. The commissioners shall devote their entire time to the duties of the office.

§ 3. The term of office of members of the commission shall be four years, except that the members of the first commission shall be so appointed that one member shall serve for a term of two years, one member for a term of three years, and one member for a term of four years. As these appointments expire, subsequent appointments shall be made for four-year terms. Any appointment to fill a vacancy shall be for the unexpired term.

§ 4. The members of the commission shall be selected with special reference to their ability and fitness to perform the duties required of them by this chapter. Not more than two of the commission shall be members of the same political party.

§ 5. A member of the commission shall not be a candidate for or hold any public office other than that of member of the commission; nor shall he be a member of any committee of a political party. In case a member becomes a candidate for or is appointed to any public office or political committee, his office as member of the commission shall be automatically vacated.

§ 6. No member of the commission shall have a personal interest in or derive any gain from an enterprise or industry engaged in the manufacture, sale or use of alcoholic liquor.

§ 7. Before entering upon their duties, members of the commission shall each take and subscribe to the constitutional oath, and shall give bond in the penal sum of twenty-five thousand dollars, to be approved by the Governor and conditioned upon the faithful performance of their duties. The bond and oath shall be filed with the Secretary of State.

§ 8. The Governor shall desginate one member of the commission as chairman, who shall be the presiding officer,

and the members shall choose one of their own members secretary. A majority of the members shall constitute a quorum for the conduct of official business.

§ 9. Each member of the commission shall receive a salary of five thousand dollars per annum and his actual and necessary traveling expenses incurred in the performance of his duties.

§ 10. The offices of the commission shall be maintained at the state capital and shall be the regular place of meeting of the commission.

§ 11. The commission shall have the following powers and duties and any and all other powers and duties reasonably necessary and convenient for the purposes of this chapter:

(1) Exercise general supervision of, and make rules and regulations for the management of, its department.

(2) Sign and execute in the name of the commission any contract or agreement authorized by this chapter.

(3) Supervise the fiscal affairs and responsibilities of the department, subject to provisions of Chapters 41 to 45 of the Kentucky Revised Statutes.

(4) Obtain by lease or agreement, after receiving competitive bids, lands and buildings required for the purposes of this chapter. All such leases and agreements shall contain a condition whereby such leases or agreements shall terminate and all liability to the commission thereunder shall cease and determine, should the sale of alcoholic liquors be prohibited under the provisions of Article Five of this chapter. Nothing herein contained shall empower the commission to acquire title to any real estate, except that with the

approval of the Governor the commission may purchase real estate for the purpose of one warehouse to be centrally located.

(5) Keep a complete and accurate record of all proceedings, record and file all bonds and contracts taken or entered into, and assume responsibility for the custody and preservation of all papers and documents pertaining to the commission.

(6) Purchase or lease as provided by law all equipment necessary for the conduct of the department.

(7) Report to the Governor each year all information relative to the operation and functions of the department, and make such other reports and recommendations as may be required by the Governor.

(8) Exercise any other power that may be necessary or proper for the orderly conduct of the business and the effective discharge of the duties of the commission.

(9) Invoke any legal or equitable remedies for the enforcement of the orders of the commission or the provisions of this chapter.

(10) All writings required to be executed on behalf of the commission shall be signed by the chairman and attested by the secretary, except that in the absence of the chairman such writing may be executed by the other two members.

§ 12. The commsision shall appoint or employ, and fix the salaries of, such assistants and employes as may be necessary to the efficient operation of the department. All appointments and employments shall be made through a Merit System which shall be established by the Division of Personnel Efficiency in the Department of Finance, similar in all

respects to the Merit System now operated by such division for positions in the state employment that are compensated through Federal funds. Such system shall include provisions for tenure similar to those prescribed by regulation for positions in the state employment that are compensated through Federal funds.

§ 13. The commission shall require every employe who collects fees or handles funds, or who has custody of equipment, supplies, and other property belonging to the state, to take the constitutional oath; and the commission shall require to be furnished by every employe, or shall itself obtain, a bond, insurance policy, indemnity contract, or other contract, protecting and indemnifying the state against any and all loss or damage that may be occasioned by the failure of the employe faithfully to perform the duties pertaining to his employment. Such bond, insurance policy, indemnity contract, or other contract, shall be in such form, and in such sum, and with such security, as may be prescribed or approved by the commission, and may cover any one employe or any number of employes. The premiums for all such bonds, insurance policies, indemnity contracts, or other contracts, shall be paid by the commission.

§ 14. The commission shall have the authority to grant and revoke licenses as provided in Article Four of this chapter.

§ 15. The commission shall prescribe regulations governing the advertising of alcoholic liquors in this state. The regulations shall prohibit advertising that encourages intemperance, induces minors to purchase, or tends to deceive or misrepresent.

§ 16. The commission shall have the power to prescribe rules and regulations to give effect to the powers vested in

it by this chapter. Rules and regulations shall be recorded in a book especially kept for that purpose, and in its discretion may be published for general circulation. All other records and entries necessary to show the official conduct of the commission shall be preserved and shall be public records and open for inspection during business hours.

§ 17. All powers and duties vested in the commission, except the power to sign contracts, may be exercised by the appointees or employes of the commission under its direction; but the commission shall be responsible for their acts.

§ 18. In all hearings and proceedings before the commission, the evidence of witnesses and the production of documentary evidence may be required. Summons may be issued by it for appearance at any designated place of hearing. In case of disobedience to a summons or other process, the commission or any party to the proceedings before the commission may invoke the aid of the circuit court in requiring the evidence and testimony of witnesses and the production of papers, books, and documents. Upon proper showing, the court shall issue an order requiring witnesses to appear before the commission, produce all books and papers, and give evidence touching the matter in question. Any person failing to obey the order may be punished by the court as for contempt. A claim that evidence may tend to incriminate the person giving the evidence shall not excuse him from testifying, but he shall not be prosecuted for any offense concerning which he is compelled to testify.

§ 19. The Attorney General and the county and Commonwealth's attorneys of the several counties shall render to the commission, without additional compensation, such legal services as it may require of them in the discharge of its duties under the provisions of this chapter.

§ 20. The members of the commission shall not be civilly responsible for any act done or omitted in good faith in the discharge of duties imposed upon them by this chapter.

§ 21. At the close of each fiscal year, the Auditor of Public Accounts shall audit the affairs of the commission and report the results of the audit to the Governor. The cost of the audit shall be paid from the operating fund.

ARTICLE III

§ 1. (1) The sale of alcoholic liquors at wholesale and retail in this state shall be a state monopoly. Alcoholic liquors shall be sold at retail only through the state stores and the agencies of the Kentucky Liquor Control Commission.

(2) The commission may sell such liquors at wholesale to persons licensed to purchase at wholesale as provided in this chapter.

§ 2. (1) The commission shall establish state stores and agencies at places throughout the state so as to serve adequately and reasonably the demand for the sale at retail of alcoholic liquors, subject only to the limitations imposed by Article Five of this chapter. It may discontinue a store or agency when in its opinion it is advisable to do so.

(2) A store or agency shall not be located in the immediate vicinity of a church or school.

§ 3. The commission shall establish and manage as many warehouses as may be necessary, but not more than four, for the storage of alcoholic liquors and the supply of state stores and agencies.

§ 4. The commission shall appoint a manager for and assign employes to each state store. The manager shall be

responsible to the commission for the conduct and operation of the store.

§ 5. The commission shall issue appropriate rules and regulations to govern the conduct of state stores and agencies.

§ 6. A state agency shall procure stocks of alcoholic liquor for sale at retail only from the commission. Sales at retail in agencies shall be made in the same manner as sales in state stores, except as provided in section 25 of this article.

§ 7. (1) The commission shall classify state agencies into not more than five groups with respect to volume of business. An agent shall be compensated in a fixed sum, uniform within each group, and in an amount to be fixed by the commission, but not more than three thousand dollars in any one year.

(2) Each agent shall give bond in an amount fixed by the commission conditioned upon the faithful observance of the provisions of this chapter, compliance with the rules and regulations of the commission, and the accounting for and paying over of all moneys coming into his custody by virtue of his agency. An agent shall not, at any time, have on hand a stock of alcoholic liquors greater in value than the amount of his bond.

§ 8. An agent shall make no profit from the sale of alcoholic liquors, nor shall he receive compensation for the performance of his duties as agent other than that paid him by the commission.

§ 9. (1) The commission shall, from time to time, fix uniform prices for each variety, class and brand of alcoholic liquors offered for sale in state stores. Alcoholic liquors shall be sold in state stores and agencies only at the uniform prices fixed by the commission.

(2) The commission shall prepare price lists showing the price of each variety, class or brand. Price lists shall be posted prominently in each store and shall be available for distribution and inspection in every state store or agency.

§ 10. The commission, with the approval of the Commissioner of Finance, shall install a uniform system of records and accounts for state stores and agencies. It shall require a daily report of sales and stock inventory, and shall audit the accounts and check the stock inventory of each store and agency at least once in every thirty days.

§ 11. The commission shall prescribe a method of stock or inventory control that will show the amount of each variety, class and brand of alcoholic liquor on hand in each state store, agency and warehouse at any time.

§ 12. The commission shall fix the days on which state stores shall be open and the hours of opening and closing, and the hours during which agencies may sell alcoholic liquors. Stores shall not be open nor shall agencies sell alcoholic liquors on Sundays or on any general, primary or special election day.

§ 13. Any store or agency shall not display any alcoholic liquor or display or distribute any advertising matter, nor shall a person employed in a state store or agency advertise, display or recommend any type, class or brand of alcoholic liquors, nor shall he discuss or comment upon the relative merits of any such liquors.

§ 14. (1) The commission shall acquire, by purchase or lease, equipment, materials, supplies and other property necessary for the operation of state stores in the manner required for the purchase or lease of property by other state departments. This requirement shall not apply to the pur-

chases of alcoholic liquor for sale or to the leasing of premises for state stores or warehouses.

(2) The commission shall require a sworn statement with the delivery of alcoholic liquors purchased by it that the goods are as represented, and do not contain any impure or deleterious matter. The commission shall by frequent chemical analysis determine that liquors offered for sale in state stores and agencies are pure, potable, and not misrepresented.

§ 15. (1) In order to avoid the accumulation of excessive stocks in warehouses and stores, the commission shall so plan its purchase of alcoholic liquors for sale in state stores and agencies that the stock on hand at any time does not exceed the estimated requirements for sixty days' sales.

(2) The commission may, with the consent of the Governor, contract for the manufacture of alcoholic liquors for sale in state stores and agencies. Such liquors shall bear a special designation as a "state brand."

§ 16. Except as provided in section 25 of this article, alcoholic liquors shall be sold only in sealed packages, bearing such seals and labels as the commission may require. A manufacturer of liquor offered for sale in state stores and agencies shall attach to each bottle a special label bearing an accurate description of the contents of the bottle in such form and detail as the commission may require.

§ 17. The commission, with the approval of the Governor, the State Treasurer and the Commissioner of Finance, shall prescribe regulations for the handling and depositing of all moneys collected by the commission. All receipts shall be remitted promptly to the State Treasury.

§ 18. The following funds are created in the State Treasury for the purposes of this chapter:

(1) The operating fund, which shall be a revolving fund from which all expenses of operation and administration shall be paid except those authorized to be paid from the reserve fund.

(2) The reserve fund, which shall be a reserve for contingencies and depreciation. This fund may be used for (a) the purchase of equipment and other property having a useful life of more than one year from date of purchase, and (b) transfer to the operating fund to meet unusual requirements arising in the course of business. Transfers from the reserve fund to the operating fund shall be made as follows: The commission shall recommend such transfer to the Governor and the Governor shall draw the requisition if he approves the transfer. Moneys in the reserve fund not needed for cash reserve shall, with the approval of the Governor, be invested by the State Treasurer in obligations of the United States, of this State, or any of its subdivisions.

§ 19. (1) All moneys collected by the commission shall be credited to the operating fund until that fund reaches an amount sufficient for the current and routine requirements of the department, this amount to be fixed by the commission with the approval of the Governor, and not to exceed at any time the sum of two hundred fifty thousand dollars. The receipts in excess of the requirements of the operating fund shall be paid into the reserve fund until the amount of the reserve fund equals three hundred fifty thousand dollars. Receipts in excess of the requirements of the operating and reserve funds shall be transferred monthly into the General Fund of the State Treasury upon requisition of the Governor.

(2) Seventy percent of the receipts transferred into the General Fund pursuant to subsection (1) of this section shall be earmarked, and is hereby appropriated as follows:

(a) Twenty percent to the counties in which state stores and agencies are operated, in the ratio that the sales in each such county bears to the total sales in the state.

(b) Ten percent to such agency as is charged with the operation and management of the state tuberculosis sanatoria, for capital outlay and ordinary recurring expenses of operation.

(c) Twenty percent to the Department of Welfare, for old age assistance (this to be in addition to any other appropriations for such purpose).

(d) Twenty percent to the Department of Education, for the Common School Per Capita Fund (this to be in addition to any other appropriations for such purpose).

(3) The distribution of the appropriations made by subsection (2) of this section shall be made at the end of each fiscal year, or oftener if the Commissioner of Finance deems it advisable.

§ 20. The sale of alcoholic liquors in state stores and in state agencies shall be for cash only.

§21. Not more than one gallon of alcoholic liquor shall be sold to a person at one time; but a sale in excess of one gallon may be made to a person licensed to purchase at wholesale, and to a religious organization purchasing wine for sacramental purposes.

22. Alcoholic liquors shall not be sold to a person who is:

(1) Less than twenty-one years of age;
(2) An habitual drunkard;
(3) Intoxicated;

(4) Addicted to the use of narcotic drugs; or

(5) Mentally incompetent.

§ 23. Except as provided in section 25 of this article, a person, while on the premises of a state store or agency, shall not:

(1) Break the seal upon any package of alcoholic liquors;

(2) Consume alcoholic liquors; or

(3) Loiter.

§ 24. (1) An appointee or employe of the commission shall have the authority of a peace officer, to arrest a person for an act committed on or about the premises of a state warehouse, state store, or agency, and in his presence, which amounts to a violation of a provision of this chapter, or disorderly conduct.

(2) The commission shall furnish its appointees and employes with an official badge as evidence of this authority.

(3) A person who resists or commits an assault upon an appointee or employe of the commission while engaged in the performance of his duties hereunder shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(4) Members of the commission are hereby vested, and such officers, agents and employes of the commisison as shall be designated by the commission shall, upon being so designated, be vested, with like power and authority to enforce the provisions of this chapter and the criminal laws of the state relating thereto as are vested in sheriffs of counties.

§ 25. Subject to the provisions of Article Four of this chapter, the commission may designate as an agency for the

sale of alcoholic liquors any reputable hotel located in a city of the first or second class. Notwithstanding any other provision of this chapter, any hotel so designated may sell alcoholic liquors by the drink for consumption on the premises, subject in all respects to regulations which the commission shall prescribe governing such sales. Any hotel so designated shall be subject to all the provisions of this chapter relating to agencies, except as otherwise provided in this section.

ARTICLE IV

§ 1. The commission shall grant and revoke licenses in accordance with the provisions of this article. Licenses shall be issued and renewed for the period of the fiscal year beginning July 1 and ending the following June 30.

§ 2. The commission may grant licenses for the manufacture of alcoholic liquors. Licenses for manufacture shall authorize the manufacture and sale of alcoholic liquors as provided by this chapter. Separate licenses shall be issued to the following classes of manufacturing establishments:

(1) Distilleries, in which only alcoholic liquors other than wine or beer shall be manufactured;

(2) Wineries, in which only wines shall be manufactured;

(3) Breweries in which beer shall be manufactured;

(4) Bottling plants, in which beer only shall be bottled;

(5) Industrial plants, in which alcohol is distilled, manufactured, or otherwise produced for scientific, chemical, mechanical, or industrial purposes.

§ 3. A person who is licensed to manufacture alcoholic liquors in this state may sell such liquors in this state only to

the Kentucky Liquor Control Commission, and to wholesalers and retailers licensed as provided in this chapter. A manufacturer may sell alcoholic liquors outside of the state for use or resale outside of the state.

§ 4. The commission may grant to wholesale druggists a license to purchase alcoholic liquors at wholesale from or through the commission for the purpose of resale within the state. Such wholesale druggists shall have the right to purchase ethyl alcohol, for non-beverage purposes, at wholesale, and for resale to pharmacists, or druggists or drug stores employing a duly licensed pharmacist, having a regular place of business, or to other persons licensed to purchase ethyl alcohol from the commission, from distilleries, manufacturers, jobbers or other wholesale druggists, whether within or without the state, and whether the seller has a permit or license from the commission to sell same, and ship and transport or cause to be shipped and transported to their places of business, upon filing with the commission at the time of or prior to such purchase a copy of the purchase order for same, together with a statement in writing showing approximately when, and in what manner the ethyl alcohol so purchased will be shipped or transported to their places of business.

§ 5. (1) The commission may grant licenses to persons to purchase alcoholic liquors at wholesale from or through the commission for industrial or scientific uses, or for use in institutions as provided in section 5 of Article Six of this chapter, and may, by special permit for such fee as the commission may fix, authorize transactions at wholesale for the purchase of alcohol for scientific, chemical, mechanical or industrial purposes only; but, no license fee shall be required from institutions, departments, or agencies of the state governments or any political subdivision thereof.

(2) The commission may issue, without fee, special permits, authorizing religious organizations to purchase, upon

orders approved by the commission, wine for sacramental purposes.

§ 6. The commission may issue licenses to retail druggists to sell, upon prescription, and for the purposes provided for in this chapter, alcoholic liquors purchased from the commission. Any pharmacist, or retail druggist or drug store employing a duly licensed pharmacist, having a regular place of business, may, upon filing with the commission, at the time of or prior to any purchase, a copy of the purchase order together with a written statement showing approximately when and in what manner any ethyl alcohol purchased will be shipped or transported, purchase from distillers, manufacturers, jobbers or wholesalers, whether within or without the state, and whether the seller has a permit or license to sell the same, ethyl alcohol for use in compounding or manufacturing any of the medical or other preparations mentioned in section 4 of Article Six of this chapter, and ship and transport or cause same to be shipped and transported to his place of business.

§ 7. The commission shall license without fee a still used solely for laboratory purposes in an educational institution and a still used solely for pharmaceutical purposes.

§ 8. The commission shall license a still used by a commercial chemist for laboratory purposes only, and not used for the purpose of the manufacture of alcoholic liquors for resale, at a fee of five dollars.

§ 9. Each separate place of business shall require a separate license. Licenses shall not be transferable but, with the approval of the commission in such form and manner as the commission may prescribe, may be amended to change the location of the business licensed.

§ 10. A person who desires to apply for a license authorized by the provisions of this chapter shall, not more than

thirty nor less than ten days before the filing of formal application, give notice of his intention. He shall give notice by posting a statement of his intention in such form as the commission may require at the front door or principal entrance of the place where the business is to be conducted. He shall also publish notice, in such form as the commission may require, at least once in a newspaper published or having a general circulation in the county and municipality in which he intends to do business. Retail druggists desiring to sell alcoholic liquors on prescription shall not be subject to the provisions of this section, but shall file formal application in writing with the commission and shall pay the license fee.

§ 11. Not less than ten days after giving notice of his intention, a person desiring to apply for a license shall file formal application, in writing, with the commission and shall pay a license fee.

§ 12. Within fifteen days after the filing of formal application for a license the commission shall either grant or refuse the license. If the commission refuses to grant the license it shall refund the license fee.

§ 13. The commission shall refuse the license if it finds that:

(1) The applicant is not a suitable person;

(2) The place to be occupied by the applicant is not a suitable place; or

(3) A sufficient number of licenses have already been issued.

§ 14. A person possessing a license under the provisions of this chapter shall pay the fee annually on or before the first day of July of each year. If the license fee is not paid on

that day, the license shall be automatically revoked, unless the commission shall, for good cause, grant an extension in writing for not more than ten days.

§ 15. A person to whom a license is issued under the provisions of this chapter shall pay, annually, to the commission a license fee as follows, for:

(1) Distilleries, five hundred dollars;

(2) Wineries, two hundred and fifty dollars;

(3) Breweries, two hundred and fifty dollars;

(4) Bottling plants, one hundred dollars;

(5) Wholesale druggists, fifty dollars;

(6) Institutions, ten dollars;

(7) Industrial use, fifty dollars;

(8) Industrial plants producing alcohol, two hundred and fifty dollars;

(9) Retail druggists, ten dollars.

§ 16. The commission shall prescribe records to be kept by licensees and shall require regular reports at least every thirty days of the amounts and kinds of alcoholic liquors manufactured, sold, or kept in stock under the authority of a license issued according to the provisions of this article. Records which the licensee is required to keep shall be open at all reasonable times to inspection by the commission or its agents.

§ 17. The commission shall have authority to prescribe such rules and regulations and to require the reporting of such information by licensees as may be necessary for the effective administration of the provisions of this chapter.

§ 18. A municipal corporation shall not impose a fee or a special tax as a condition upon the exercise of a license issued under the provisions of this chapter.

§ 19. The commission shall revoke a license issued by it if it shall find that:

(1) The licensee is not a suitable person;

(2) The place occupied by the licensee is not a suitable place;

(3) The licensee has violated a provision of this chapter or a regulation made by the commission under the authority of this chapter; or

(4) The licensee has failed to comply with the spirit and intent of this chapter by encouraging intemperance, the unlawful consumption of alcoholic liquors, or otherwise.

§ 20. Before revoking a license issued under the authority of this chapter, the commission shall give at least ten days' notice to the licensee. Notice shall be in writing, shall state the reason for revocation and shall designate a time and place when the licensee may show cause why the license should not be revoked. Notice shall be sent by registered mail to the address for which the license was issued. The licensee may, at the time designated for the hearing, produce evidence in his behalf and be represented by counsel. On the final revocation of a license the commission shall immediately take over any stock of liquors possessed by the licensee that he has purchased from the commission, and pay to the licensee the amount paid by him to the state for such stocks less the amount necessary to defray the costs incurred by the commission in the revocation proceedings.

§ 21. A decision of the commission granting or revoking or refusing to grant or revoke a license authorized by this chapter shall be subject to judicial review in the circuit court of Franklin County upon the appeal of a licensee, an applicant for a license, a resident of the community in his own behalf or

in behalf of the community, or an interested party who is dissatisfied with the decision of the commission in granting, refusing to grant, revoking or refusing to revoke a license authorized by this chapter, but in any such judicial review only the legality of the decision of the commission under the constitution and laws of this state and the United States shall be determined.

ARTICLE V

§ 1. (1) As used in this Article, "territory" means a county, district, city or precinct.

(2) Subject to the provisions of this Article, elections may be held in any territory to determine whether the sale of alcoholic liquors shall be permitted within that territory.

§ 2. (1) A petition for an election shall be signed by a number of constitutionally qualified voters of the territory to be affected, equal to twenty-five percent of the votes cast in the territory at the last preceding general election. The petition may consist of one or more separate units, and shall be filed with the county clerk.

(2) The petition for election, in addition to the name of the voter, shall state also his post office address and the correct date upon which his name was signed.

(3) No signer may withdraw his name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without his authority, he may appear before the county court before the election is ordered and upon proof that his name was placed on the petition without his authority, his name may be eliminated by an order of the court. When his name has been eliminated, he shall not be counted as a petitioner.

(4) After a petition for election has been filed, the county court shall, at the current or the next regular term, make an order on the order book of the court directing an election to be held in that territory.

§ 3. (1) The date of the election may be stated in the petition for election. If the date is not stated, it shall be designated by the county court.

(2) The election shall be held not earlier than sixty nor later than ninety days after the date the petition is filed with the county clerk.

(3) The election shall not be held on the same day that a primary or general election is held in the territory or any part of the territory, nor within thirty days next preceding or following a regular political election.

(4) No election in any territory less than the county shall be held on the same day on which an election for the entire county is held.

(5) No election shall be held in the same territory oftener than once in every three years.

§ 4. Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily newspaper published in the county. When the election is ordered for the entire county, the sheriff shall also advertise the order by written or printed handbills posted at not less than five conspicuous places in each precinct of the county for two weeks before the election, and, when the election is ordered held in a city, district or precinct, at five conspicuous places in each precinct therein for the same length of time. If no daily or weekly newspaper is published in the county,

or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

§ 5. The proposition to be voted upon shall be stated on the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes," and one for votes opposing it, to be designated by the word "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." The form of the proposition shall be, "Shall the sale of alcoholic beverages under the Kentucky Liquor Control Commission be permitted in (name of county, district, city or precinct)?"

§ 6. (1) The general election laws, including penalties for violations, shall apply to the election, except where these laws are inconsistent with this chapter.

(2) The cost of the election shall be borne by the county.

§ 7. Not more than twenty days prior to an election any group of citizens that in good faith favors or oppose the proposition to be submitted may file with the chairman of the county board of election commissioners a petition asking that it be recognized as the committee entitled to nominate election officers and to certify challengers, witnesses to the count of the ballots and certification of the results, and guards to assist in guarding the ballot boxes during the period which the group desires. If more than one group claims the right to nominate election officers and certify challengers, witnesses and guards, the county board of election commissioners shall promptly decide and publicly announce which committee is entitled to nominate officers and certify challengers, witnesses and guards. That decision shall not be final, but any aggrieved

party may appeal to the county court, and upon hearing the county judge shall determine which group shall be recognized.

§ 8. (1) The respective committees advocating and opposing the proposition shall each file with the chairman of the county board of election commissioners before the time designated for the selection of officers a list of not more than four persons possessing the qualifications of election officers for each voting precinct, and the board of election commissioners shall appoint the officers from those lists, as provided in section 9 of this Article.

(2) The committees may sign and issue certificates designating challengers at the polls, witnesses to the count of ballots and guards to assist in guarding the ballot boxes, in the same manner as political committees under the general election laws.

§ 9. The county board of election commissioners, not more than fifteen and not less than ten days before the day appointed for the holding of the election, shall appoint officers to conduct the election, in the manner provided by general election laws. It shall make equal division of officers between those favoring and those opposing the proposition instead of between political parties. The same equal division of challengers at the polls, of witnesses at the count, and of guards to guard the boxes, shall be made.

§ 10. The result of the election shall be certified by the county board of election commissioners. The certificate of the result shall be immediately filed with the county clerk and safely kept by him until the next regular term of the county court, when the court shall have the certificate entered on the order book. The entry of the certificate, or an attested copy thereof, shall be prima facie evidence of the result of the election in actions under this chapter.

§ 11. Any qualified voter may demand a recount of the ballots or contest the election in the same manner as is provided for the recount of ballots or contest of general elections of county officers by KRS 122.070 to 122.100. The members of the county board of election commissioners shall be named as contestees and summons shall be served upon them. Any qualified voter may intervene as contestee by filing a petition to be made a party in the action.

§ 12. When the majority of the votes cast at an election are opposed to the sale of alcoholic beverages in the territory, the county court shall, immediately after entering the certificate of the board of election commissioners in the order book of the county court, certify the result of the election to the Kentucky Liquor Control Commission, and within thirty days after receiving such certification the commission shall close all state stores and discontinue all agencies situated within the territory.

§ 13. When, at an election held in the territory in which the sale of alcoholic liquors has previously not been permitted, a majority of the votes are in favor of permitting the sale of alcoholic beverages in the territory, the county court shall, immediately after entering the certificate of the board of election commissioners in the order book of the county court, certify the result of the election to the Kentucky Liquor Control Commission, and thereafter the commission may establish state stores and agencies in the territory.

§ 14. (1) When an election is held in an entire county and the majority of the votes cast at this election are opposed to the sale of alcoholic liquors in the county, no state stores or agencies shall be operated in that county.

(2) If at an election for an entire county the majority of the votes cast are in favor of permitting the sale of alcoholic liquors, the vote shall not operate to permit the sale of alco-

holic liquor in any territorial division of the county which has previously voted not to permit the sale of alcoholic liquors in such division, and the status of that division shall remain as if no county election had been held.

§ 15. Alcoholic liquors shall not be sold under the Kentucky Liquor Control Commission in any territory which is "dry" teritory at the time this chapter takes effect, by virtue of local option elections held under former statutes, until such territory, at an election held under this Article, votes in favor of permitting such sale. In any territory in which a local option election has been held under former statutes, no election may be held under this Article until the expiration of three years from such previous election.

ARTICLE VI.

§ 1. The provisions of this chapter shall not prevent:

(1) A person from keeping and possessing alcoholic liquors in his residence for the personal use of himself, his family, his servants or his guests if such alcoholic liquors shall have been lawfully acquired by him;

(2) A person, his family, or servants from giving or serving such alcoholic liquors to guests in said residence, when such gift or service is not for the purpose of evading the provisions of this chapter.

§ 2. The provisions of this chapter shall not prevent:

(1) A person from manufacturing wine at his residence for consumption at his residence as permitted by section one of this article;

(2) A person from manufacturing and selling unfermented cider;

(3) A person from manufacturing and selling cider made from apples produced by him within this state, to persons holding distillery licenses, but such manufacture and sale shall be under the supervision and regulation of the commission;

(4) A person from manufacturing and selling wine made from fruit produced by him within this state to persons holding winery licenses, but such manufacture and sale shall be under the supervision and regulation of the commission.

§ 3. The provisions of this chapter relating to state monopoly shall not apply to ethyl alcohol used:

(1) For scientific, chemical, mechanical or industrial purposes.

(2) By those authorized to procure ethyl alcohol tax-free under the Acts of Congress and regulations thereunder.

(3) In the manufacture of denatured alcohol produced and used as provided by the Acts of Congress and regulations thereunder.

(4) In the manufacture of scientific, chemical, mechanical and industrial preparations or products unfit for beverage purposes.

Nothing in this section shall be so construed as to exempt such users of ethyl alcohol from the license and transportation provisions of this chapter.

§ 4. The provisions of this chapter shall not prevent a person from manufacturing, selling, delivering or shipping:

(1) Any medicine containing sufficient medication to prevent its use as a beverage;

(2) Any medical preparation manufactured in accordance with formulas prescribed by the United States Pharma-

copeia and National Formulary, patent and proprietary preparations, and other bona fide medical and technical preparations, which are manufactured and sold to be used exclusively as medicine and not as beverages, and the sale of which does not now require the payment of a United States liquor dealer's tax;

(3) Toilet, medicinal and antiseptic preparations not intended for internal human use nor for beverage purposes;

(4) Any food products known as flavoring extracts manufactured and sold for cooking and culinary purposes only and not for beverage purposes;

(5) Any confectionery containing alcohol derived solely from the use of flavoring extracts.

Nor shall such provisions prevent pharmacists, retail druggists or drug stores employing a duly licensed pharmacist, from purchasing or causing to be shipped to their place of business ethyl alcohol for use in compounding or manufacturing any of the medical or other preparations enumerated in this section, as provided in section six of Article Four of this chapter.

§ 5. The provisions of this chapter shall not prevent:

(1) A physician from prescribing the use of alcoholic liquors when necessary for a bona fide patient;

(2) A druggist from selling, upon a prescription properly issued by a physician, alcoholic liquors for medicinal purposes;

(3) A physician, dentist, or veterinarian, in the legitimate practice of his profession, from using and administering alcoholic liquors;

(4) Hospitals, sanitariums, or that division of any institution which is regularly conducted as a hospital, dispensary or infirmary, from using or administering alcoholic liquors to bona fide patients. Institutions and the divisions thereof provided in this section may carry a stock of alcoholic liquors sufficient for this purpose;

(5) Religious organizations from using wine for sacramental purposes.

§ 6. The provisions of this chapter shall not prevent a person from bringing into or transporting in this state, in his possession or in his baggage, and not for resale, alcoholic liquors in a quantity not to exceed three gallons.

§ 7. A person shall not:

(1) Manufacture or sell in this state without a license any alcoholic liquor except as permitted by this article;

(2) Aid or abet in the manufacture or sale of alcoholic liquor without a license except as permitted by this article;

(3) Sell without license any alcoholic liquor other than as permitted by this article.

(4) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or other foreign or deleterious substance or liquid;

(5) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this state;

(6) Advertise any alcoholic liquor in this state except in accordance with the rules and regulations of the commission;

(7) Distribute, deal in, possess, or use crowns, stamps or seals required under the authority of this chapter, except in accordance with the rules and regulations prescribed by the commission.

A person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars, or confined in jail not less than thirty days nor more than one year, or both so fined and imprisoned, for the first offense. Upon conviction of a second or subsequent offense, he shall be confined in the penitentiary for not less than one year nor more than three years.

§ 8. A licensed person shall not:

(1) Sell alcoholic liquors of a kind other than that which such license or this chapter authorizes him to sell;

(2) Sell beer to which wine, spirits, or alcohol has been added;

(3) Sell wine to which other alcoholic spirits have been added, otherwise than as required in the manufacture thereof under regulations of the commission;

(4) Sell alcoholic liquors to a person specified in section twenty-two of Article Three of this chapter;

(5) Sell alcoholic liquors except as authorized by his license;

(6) Sell any alcoholic liquor when forbidden by the provisions of this chapter;

(7) Keep on the premises covered by his license alcoholic liquor other than that which he is authorized to sell by such license or by this chapter.

A person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars, or confined in jail not less than thirty days nor more than one year, or both so fined and imprisoned, for the first offense. Upon conviction of a second or subsequent offense, he shall be confined in the penitentiary for not less than one year nor more than three years.

§ 9. A person shall not:

(1) Appear in a public place in an intoxicated condition;

(2) Drink alcoholic liquor in a public place;

(3) Drink alcoholic liquor in a motor vehicle on any highway, street, alley or in a public garage;

(4) Tender a drink of alcoholic liquor to another person in a public place;

(5) Possess alcoholic liquor in an amount in excess of three gallons, in containers not bearing stamps or seals of the commission, without having first obtained written authority from the commission therefor;

(6) Possess any alcoholic liquor which was manufactured or acquired in violation of the provisions of this chapter.

Any person who violates subsections one, two, three or four of this section shall be fined not less than five dollars nor more than one hundred dollars, or confined in jail not more than sixty days, or both so fined and imprisoned. Any person who violates subsection five or six of this section shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not less than sixty days nor more than twelve months, or both so fined and imprisoned, and upon conviction of a second or subsequent offense he shall be con-

fined in the penitentiary for not less than one year nor more than three years.

§ 10. A person who unlawfully owns, operates, or maintains a plant for the manufacture of distilled spirits, or aids or abets in the operation or maintenance of such a plant, shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in the penitentiary not less than one nor more than five years.

§ 11. A person who, while engaged in the unlawful manufacture, transportation or sale of alcoholic liquors, or while aiding or assisting in any such acts, has in his actual or constructve possession a firearm or other lethal weapon, shall be confined in the penitentiary not less than one nor more than ten years.

§ 12. (1) The commission may adopt regulations governing the transportation of alcoholic liquors, lawfully acquired, within, into or through the state in quantities in excess of three gallons, as it may deem necessary to confine such transportaton to legitimate purposes, and may issue transportation permits in accordance with such regulations, collect a fee therefor, and shall require each person to whom such a permit is issued to furnish a bond in such form and amount and with such surety as the commission shall direct, conditioned that he will exercise the privileges granted by such permit in conformity with the provisions of this chapter and the regulations of the commissions, or in default thereof forfeit to the state the sum of one hundred dollars for each breach, recoverable by motion upon ten days' notice in any court having jurisdiction of the parties.

(2) A person who, without authorization under this chapter, transports alcoholic liquors in quantities in excess of three gallons or in any amount for the purpose of sale or in

any amount manufactured or acquired contrary to the provisions of this chapter, shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not to exceed one year, or both so fined and imprisoned, for the first offense. Upon conviction of a second or subsequent offense, he shall be confined in the penitentiary for not less than one nor more than three years.

§ 13. Except as permitted by section six of this article, a person shall not import into, or transport in this state, any alcoholic liquor, unless it is:

(1) Consigned to the commission;

(2) Transported or shipped upon the direction of the commission directly to persons licensed to receive alcoholic liquors at wholesale; or

(3) Transported or shipped into or through the state to persons outside the state upon transportation permits issued by the commission.

§ 14. A person who violates any order, rule or regulation of the commission made under the authority of this chapter, or who violates any provision of this chapter for which punishment has not been specifically provided, shall be fined not less than ten dollars nor more than five hundred dollars, or confined in jail not less than five days nor more than six months, or both so fined and imprisoned. If, by the provisions of this chapter, conflicting penalties are prescribed for an offense, the section providing for the heavier penalty shall control.

§ 15. (1) A place where alcoholic liquor is manufactured, sold, stored, possessed, given away, or furnished contrary to law shall be deemed a common and public nuisance. Boats, cars (including railroad and traction passenger cars

operating in this state), automobiles, wagons, water and air craft, beasts of burden, or vehicles of any kind shall be deemed places within the meaning of this section and may be proceeded against under the provisions of section 16 of this article. A person who shall maintain, or shall aid or abet or knowingly be associated with others in maintaining such common and public nuisance, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in jail not less than sixty days nor more than six months, for each offense, and judgment shall be given that such nuisance be abated or closed as a place for the manufacture, sale, storage, possession, giving away, or furnishing contrary to law of alcoholic liquor, as the court may determine.

(2) If two or more persons conspire to maintain such common and public nuisance, or to distill, manufacture, store, transport, sell, give away, or furnish alcoholic liquor in violation of any of the provisions of this chapter, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by confinement in jail for not less than one month nor more than six months, or by both such fine and imprisonment.

§ 16. The commission, its agents, the Attorney General, the Commonwealth's or county attorney, or a citizen of the county or municipality where a nuisance as defined in section 15 of this article is located, may maintain a suit in equity in the circuit court, in the name of the state, to abate and perpetually enjoin the same. The injunction may be granted at the commencement of the suit and no bond shall be required. On the finding that the material allegations of the bill are true, the court or the judge thereof in vacation shall order the injunction for such period of time as it or he may think

proper, with the right to dissolve the injunction upon the application of the owner of the place, if a proper case is shown for such dissolution. The continuance of the injunction as provided in this section may be ordered, although the place complained of may not at the time of hearing be unlawfully used.

§ 17. (1) If there be complaint on oath or affirmation supported by affidavit setting forth that alcoholic liquors are being manufactured, sold, kept, stored or in any manner held, used or concealed in a particular house or other place in violation of law, the justice of the peace, or circuit or county judge, to whom such complaint is made, if satisfied that there is a probable cause for such belief, shall issue a warrant to search such house or other place for alcoholic liquors. Such warrants, except as herein otherwise provided, shall be issued, directed and executed in accordance with the laws of Kentucky pertaining to search warrants.

(2) Warrants issued under this chapter for the search of any automobile, boat, conveyance or vehicle, or for the search of any trunk, grip or other article of baggage, for alcoholic liquor, may be executed in any part of the state where the same are overtaken, and shall be made returnable before any justice of the peace or circuit or county judge within whose jurisdiction such automobile, boat, conveyance, vehicle, trunk, grip or other article of baggage, or any of them, were transported or attempted to be transported contrary to law.

(3) An officer charged with the execution of a warrant issued under this section may, whenever it is necessary, break open and enter a house or other place herein described.

§ 18. All stills and distilling apparatus and material for the manufacture of the same, and all alcoholic liquors, and

materials used in the manufacture of alcoholic liquors, and all containers in which alcoholic liquors may be found, which are kept, stored, possessed or in any manner used in violation of the provisions of this chapter, shall be deemed contraband and shall be forfeited to the state.

§ 19. (1) A conveyance of any kind, either on land, water, or in the air, used for the transportation of alcoholic liquors in violation of section twelve of this article, shall be deemed contraband and shall be forfeited to the state and proceeded against in the manner provided for confiscation by section twenty of this article.

(2) Any such conveyance forfeited to the state under the provisions of this section shall be turned over to the commission, which may retain the same for public use in the administration and enforcement of this chapter. If it has no need for the conveyance, it may order its destruction or sale unless the Department of Finance requests it, in which case the commission shall turn it over to said department.

(3) The net proceeds of sales made under this section shall be paid into the State Treasury in the manner prescribed for receipts from state stores and agencies.

§ 20. Proceedings for confiscation of articles, conveyances or vehicles declared contraband and forfeited to the state under section 19 shall be had in the circuit court, either in vacation or term time, in the county where such articles, conveyances or vehicles were seized, and the procedure shall be as follows:

(1) When such articles, conveyances or vehicles have been seized under or without a warrant provided for in section 17 of this article, by an officer charged with the enforcement of this chapter, the officer shall take possession of such article, conveyance or vehicle and deliver the same and the

alcoholic liquors so seized to the sheriff of the county in which such seizure was made, taking his receipt therefor in duplicate.

(2) The officer making such seizure shall forthwith report in writing of such seizure to the Commonwealth's Attorney of the county in which such seizure was made and to the commission.

(3) Within not less than ten days nor more than sixty days after receiving notice of any such seizure, the Commonwealth's attorney for the county shall file, in the name of the state, a petition against the seized property, in the clerk's office of the circuit court of the county, returnable to the circuit court, which petition shall be filed by the clerk without fee and may be heard by the court or judge thereof in vacation.

(4) Such petition shall allege the seizure, and set forth in general terms the grounds of forfeiture of the seized property, and shall pray that the same be forfeited to the state and the proceeds disposed of according to law, and that all persons concerned or interested may appear and show cause why said property should not be forfeited to the state.

(5) The owner of and all persons in any manner then indebted or liable for the purchase price of said property, and any person having a lien thereon, if they be known to the Commonwealth's Attorney, shall be made parties defendant thereto, and shall be served with the notice issued by the clerk of such court, hereinafter provided for, in the manner provided by law for serving a notice, at least ten days before the day therein specified for the hearing on said petition, if they be residents of this state, and, if they be unknown or nonresidents, or cannot with reasonable diligence be found in this state, they shall be deemed sufficiently served by publication of said notice once a week for two successive weeks

in some newspaper published in said county, or, if none be published therein, then in some newspaper having a general circulation therein.

(6) Any person claiming to be the owner of such seized property, or to hold a lien thereon or have an interest therein, may appear at any time before final judgment of the trial court, and be made a party defendant to the petition so filed, which appearance shall be by answer, under oath, in which shall be clearly set forth the nature of such defendant's claim or interest.

(7) If the court or judge thereof in vacation shall find that illegally acquired alcoholic liquors or alcoholic liquors being illegally transported in amounts in excess of three gallons, were not found in such conveyance or vehicle at the time of the seizure thereof, the judgment of the court shall be to entirely relieve said property from forfeiture, and no costs shall be taxed against such claimant.

(8) If the court or judge thereof in vacation trying the issue shall find or if it be admitted that said conveyance or vehicle at the time of the seizure contained illegally acquired liquor or that alcoholic liquors were being illegally transported therein, nevertheless:

(a) If it shall appear to the satisfaction of the court that such claimant is the bona fide owner and was such owner at the time of such seizure and that he was ignorant of such illegal use thereof and the illegal use was without his connivance or consent, express or implied, the court shall relieve said conveyance or vehicle from forfeiture and restore it to such claimant, and no cost shall be taxed against such claimant.

(b) If it shall appear to the satisfaction of the court that such claimant is the holder of a bona fide lien against the

property and was the holder of such lien at the time of such seizure and that he was ignorant of such illegal use thereof, or the use so made of such conveyance or vehicle was without his connivance or consent, express or implied, and that the claimant has perfected his lien, the court shall, if the lien so established is equal to or more than the value of the conveyance or vehicle, direct the delivery of such conveyance or vehicle to the lienor upon the payment of storage and cost, or, if the lien is less than the value of the conveyance or vehicle, the lienor may have said conveyance or vehicle delivered to him upon payment of the difference in amount as determined in such proceedings; but should the lienor not demand delivery as aforesaid, an order shall be made for the sale of said property by the sheriff of the county, in the manner prescribed by law for sale of personal property under execution, out of the proceeds of which sale shall be paid, first, the storage, if any, second, the cost, third, the lien, and the residue, if any, shall be paid to the commission.

(9) If no valid lien or claim is established against the seized property upon the trial of the petition or if it shall be determined that the owner thereof was himself using the same at the time of the seizure or that such illegal use was with his knowledge or consent, express or implied, the property shall be completely forfeited to the state and turned over to the commission in accordance with the provisions of this chapter.

(10) In every case, the alcoholic liquors so seized shall be deemed contraband and forfeited to the state as heretofore provided.

§ 21. No action shall be maintained to recover the price of alcoholic liquor sold in violation of the provisions of this chapter, except that the state or the commission may recover from any person the price of any alcoholic liquor purchased by him in violation of this chapter, and from any person who

may have sold alcoholic liquors in violation of the provisions of this chapter, the consideration received by him therefor.

ARTICLE VII

§ 1. As used in KRS 243.680 to 243.707, "distilled spirits" has the same meaning as is given to "spirits" by section one of Article I of this chapter, and "department" means the Department of Revenue.

§ 2. (1) Any person who violates any of the provisions of KRS 243.680 to 243.700 shall be fined not less than five hundred dollars nor more than one thousand dollars.

(2) Any person who fails to pay the taxes imposed by KRS 243.680 to 243.700 within fifteen days after they have become due, shall pay a penalty of twenty percent on the amount of the tax due.

§ 3. Section 25.010 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 167.990 and 199.990, county, quarterly and justices' courts have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars, and jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars, or imprisonment for not more than twelve months, or both.

§ 4. Section 26.010 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 167.990 and 199.990, police courts in cities of every class have jurisdiction exclusive of

circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars, jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars, or imprisonment not exceeding twelve months, or both, and exclusive jurisdiction of all violations of city ordinances, occurring within the city limits.

§ 5. Subsection (1) of section 29.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The judge of each circuit court shall specially charge each grand jury impaneled in his court with reference to the following statutes:

(a) KRS 123.120; 217.400 to 217.440; 315.020, 315.040 to 315.100; 436.350 to 436.370 and 436.390.

(b) The statutes relating to motor vehicles.

§ 6. Section 47.030, subsection (2) of section 61.170, and sections 124.200, 241.010 to 241.990, 242.010 to 242.990, 243.010 to 243.670, 243.710 to 243.990, and 244.010 to 244.990, are repealed.

§ 7. In order to place this chapter in effective operation there is hereby appropriated to the Kentucky Liquor Control Commission, out of the General Fund, for the fiscal year 1944-1945, the sum of two hundred and fifty thousand dollars.

§ 8. Licenses granted under any statute repealed by this Act shall remain in force until June 30, 1944.

By Mr. Thompson.

H. B. 173. An Act relating to county road engineers.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I. That Section 179.020 Kentucky Revised Statutes be amended and as amended shall read as follows:

The county judges of each county having an assessed valuation of all properties therein subject to county tax of Eight Million Dollars or more shall appoint a county road engineer. The person so appointed shall be either:

(a) A reputable civil engineer; or

(b) A man who has had practical experience as a road builder, or road supervisor, for as much as two years prior to his appointment and who has passed an examination given by the State Highway Department of Roads:

Provided that in counties having an assessed valuation not less than $8,000,000 nor more than $20,000,000 the examination shall relate to general education and knowledge and not to technical civil engineering.

The said county engineer shall perform all the duties now imposed by law on the county engineer, and such other duties as the county court shall prescribe, and the said engineer with the county judge shall compose the County Road Department, which shall be the contact authority between the county and the State Highway Department, or Rural Highway Division thereof, in carrying out the county highway program as formulated by the fiscal courts for the improvement, repair and rebuilding of county rural roads with the aid of the rural highway fund, and said engineer shall be paid a salary to be fixed by the Fiscal Court at a sum not less than $1,200 per year.

After their appointment the said county engineers shall qualify by executing bond before the county clerk in a sum fixed by the county court for the faithful performance of the duties of the office, same to be approved by the county court, and shall take the oath of office required of county officers.

This act shall not interfere with terms of office, or the salaries of incumbents now in office, and the qualifications provided herein, shall not apply to present incumbents, and the qualifications provided herein shall not apply to incumbents, or to re-appointments. All county engineers appointed under this act shall serve until the first Monday in January 1946, and those appointed thereafter shall hold office for a term of two years, but may be removed at any time by the county judge after 10 days notice on charges of inefficiency, immorality or misconduct.

In all counties not falling under the provisions of this act, when any necessity exists therefor, the county judge may by an order on the order books of the county court, appoint some suitable person to act as county road supervisor, and said supervisor shall perform all the duties of the county road engineer as imposed by law, and shall be paid a salary fixed by the county court not exceeding $5.00 per day for each day's service, and same shall be paid out of the county road fund by the county treasurer on the order of the county court.

Whereas the fiscal year for the State Highway Department begins on April 1, 1944, and it is necessary that each county set up plans and procedure for the improvement of rural roads in conjunction with the State Highway Department as soon as possible, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the governor.

By Mr. Prather.

H. B. 174. An Act relating to preemptory challenges allowed to defendants and the Commonwealth in felony and misdemeanor cases.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 191 of the Criminal Code of Practice is amended to read as follows:

(1) When an issue of fact in a felony prosecution is about to be tried, the clerk, under the direction of the court, shall draw, from the box provided for by KRS 29.250, the names of twenty-four jurors, or, in a case where a thirteenth juror is to be had, the names of twenty-five jurors. The persons whose names are so drawn shall then be examined as to their qualifications, and if any are found to be disqualified or are challenged for cause, or are excused by the court, the clerk shall draw from the box as many more names as are required, and as often as required, to provide a qualified number of twenty-four, or twenty-five, as the case may be. Upon such number being qualified, the Commonwealth and the defendant shall then exercise their peremptory challenges. The clerk shall furnish a list of the qualified jurors to counsel for the defendant and counsel for the Commonwealth, and each may use all of his peremptory challenges by striking names from the list, without disclosing to the other what names are being stricken. If both strike any of the same names, the court shall excuse such of the qualified jurors as he may select in order to reduce the number on the trial jury to twelve (or thirteen). The twelve (or thirteen) remaining shall compose the trial jury. The same procedure shall be followed in misdemeanor prosecutions except that the number to be drawn and qualified before the use of the peremptory challenges shall be eighteen instead of twenty-four.

(2) In any felony prosecution, at the sound discretion of the court, a thirteenth juror may be selected and qualified, and throughout the trial shall be treated as one of the jury, except that he shall take no part in the deliberations or verdict of the jury unless one of the twelve has been excused by the court on some reasonable ground. No additional peremptory challenges shall be allowed on account of the selection and qualification of a thirteenth juror.

§ 2. Section 192 of the Criminal Code of Practice is amended to read as follows:

If, in the selection of the trial jury, the panel is exhausted, the deficiency shall be supplied as provided in KRS 29.280.

§ 3. Section 203 of the Criminal Code of Practice is amended to read as follows:

The defendant is entitled to eight peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor.

§ 4. Section 204 of the Criminal Code of Practice is amended to read as follows:

The Commonwealth is entitled to four peremptory challegnes in prosecutions for felony, and to three in prosecutions for misdemeanor.

§ 5. Section 215 of the Criminal Code of Practice is amended to read as follows:

The challenges to jurors for cause shall first be made by the Commonwealth, and then by the defendant, and each party must complete his challenges for cause to each juror before the other begins.

§ 6. Section 29.260 of the Kentucky Revised Statutes is repealed.

By Mr. Wagner.

H. B. 175. An Act relating to civil service for employees of cities.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of KRS 90.310 is hereby repealed.

Section 2. KRS 90.360 is amended to read as follows:

"No employee in the classified service of the City, as designated by the Ordinance of said city adopting this Act after serving a probationary period of six months shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or any rule or regulation adopted by the legislative body of the City or any rule or regulation of the civil service commission. Any person may prefer charges in writing against any employee which must be filed in the office of the City Manager or other appointing authority who shall thereupon communicate said charges without delay to the Civil Service Commission of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the City Manager or other appointing authority whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon filing of said charges the Clerk of the Civil Service Commission of the City shall notify the members thereof and shall serve a copy of said charges upon the accused employee together with the statement of the date, place and hour at which and when the hearing of said charges shall

begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice. Upon the hearing said charges shall be considered traversed and put in issue and the trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Civil Service Commission. The Civil Service Commission will have the power to summon and compel the attendance of witnesses at all hearings and sittings by subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Civil Service Commission shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty ($.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Civil Service Commission on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision. In cases where the City Manager or appointing authority has probably cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspend said employee from duty or from both pay and duty pending said trial and

said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Civil Service Commission of the City . The Civil Service Commission of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if said employee's classification warrants same or by combining any two or more of said punishments or by removing and dismissing from the service of the City any employee so found guilty. No such employee, except as provided in the Act shall be reprimanded, removed, suspended or dismissed."

By Mr. Rhoads.

H. B. 176. An Act relating to filled milk.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Until the date upon which the President of the United States shall declare that a National Emergency no longer exists, the provisions of KRS 217.260, 217.270, and of subsection (5) of KRS 217.990, shall be suspended from operation.

§ 2. On and after the date upon which the President of the United States shall declare that a National Emergency no longer exists, the provisions of KRS 217.260, 217.270, and of subsection (5) of KRS 217.990, unless sooner amended or repealed, shall return to full force and effect.

By Mr. Prather.

H. B. 177. An Act relating to and providing for punishment for certain traffic violations.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsection (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, subsection (2) of KRS 189.370, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

Ordered that said bills be printed and referred.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of H. B. 15 duly signed by the President of the Senate into the possession of the Chief Clerk.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

Mr. West moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 27, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	R. M. Hall	C. Sid Nabb
Henry Arrowood	Jas. P. Hallahan	Coy C. Nevitt
F. H. Bassett, Jr.	Claude Hammons	Jno. C. Newcomb
W. G. Biggers	B. C. Holbrook	Joe E. Nunn
Isaac Blevins	Benton Howard	H. C. Patterson
Douglas T. Bolling	Clyde S. Howard	Chester Peterson
J. C. Bradley	Jerry F. Howell	Albert W. Pfeiffer
Jno. W. Burkhart	J. J. Huff	Sylvester Phillips
Chas. W. Burnley	W. N. Hughes	James T. Philpott
C. D. Call	W. H. Hunt	J. Gip Prather
Fred Carpenter	Lee Johnson	L. W. Preston
Willis Champion	Paul S. Jonas	Kleber F. Price
John H. Clarke, Jr.	Wm. E. Justice	E. P. Prichard
A. Roy Copeland	H. Clay Kauffman	James E. Quill
Marvin Cornett	M. Kavanaugh	C. R. Reeves
John Henry Cox	G. M. Knuckles	L. Allen Rhoads
John P. Craig	J. T. Linton	Wade H. Riley
Fred Creasey	Homer E. Losey	Amos Runyon
Thomas S. Dawson	A. L. Love	Carl Scheben
Adron Doran	Pearl McKinney	F. W. Schuhmann
J. R. Dorman	Ed Marcum	Vernon Seaton
T. H. Dyer	C. C. May	Leon J. Shaikun
Bernie S. Edlin	Johnston Miller	Jno. W. Simmons
Harry W. Ennis	Harry L. Moore	Faust Y. Simpson
Dr. J. C. Gabbard	Herbert V. Moore	George T. Smith
Chas. B. Gentry	J. Lee Moore	Robt. J. Spaulding
Franklin Goins	L. D. Moore	E. A. Spencer
J. D. Gross	W. B. Moser	Arthur Stallard

Geo. W. Steinford	Roy L. Taylor	S. J. Wagner
Joe Stewart	H. Thieman, Jr.	Harry F. Walters
Thos. M. Swope	Otis C. Thomas	R. E. West
C. W. Taylor	E. B. Thompson	Taylor Witt
Egbert V. Taylor	John L. Trumbo	H. L. Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced or reported from the Senate, as follows, viz.:

JANUARY 27, 1944

The following bills were referred by the Speaker to the following committees:

House Bill No. 169. Revenue and Taxation.
House Bill No. 170. Veterans' Legislation.
House Bill No. 171. Education No. 1.
House Bill No. 172. Alcohol and Liquor Control Nos. 1 and 2.
House Bill No. 173. Roads and Highways No. 1.
House Bill No. 174. Criminal Law.
House Bill No. 175. Cities of the 2nd Class.
House Bill No. 176. Agriculture No. 1.
House Bill No. 177. Motor Transportation.
Senate Bill No. 41. Veterans' Legislation.

Mr. Miller moved that the vote by which bills entitled:

H. B. 24. An Act providing that funds apportioned the counties shall be expended by the Department of Highways or the fiscal court of each county.

With an amendment thereto by way of Substitute therefor as adopted by the House, and

H. B. 42. An Act providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges shall be expended by the Department of Highways on county roads and bridges in such manner as the fiscal court designates.

Were made Special Orders of the Day for Friday, January 28, at two o'clock P. M.

Be reconsidered.

Said motion was agreed to.

Thereupon Mr. Miller moved that said bills be made Special Orders of the Day for Tuesday, February 1, at two o'clock P. M.

Said motion was agreed to.

Mr. Philpott moved that a bill entitled:

H. B. 64. An Act relating to public utilities.

Which was reported by the Committee on Public Utilities on January 1 with the expression of opinion that said bill ought not to pass.

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Philpott and J. Lee Moore, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Isaac Blevins	Jno. W. Burkhart
Henry Arrowood	Douglas T. Bolling	C. D. Call

Willis Champion	Pearl McKinney	Amos Runyon
A. Roy Copeland	Ed Marcum	F. W. Schuhmann
Marvin Cornett	Johnston Miller	Vernon Seaton
Thomas S. Dawson	Harry L. Moore	Leon J. Shaikun
Adron Doran	Herbert V. Moore	Faust Y. Simpson
T. H. Dyer	J. Lee Moore	George T. Smith
Bernie S. Edlin	L. D. Moore	Robt. J. Spaulding
Dr. J. C. Gabbard	W. B. Moser	E. A. Spencer
Franklin Goins	C. Sid Nabb	Arthur Stallard
J. D. Gross	Coy C. Nevitt	Joe Stewart
Jas. P. Hallahan	Joe E. Nunn	Thos. M. Swope
Claude Hammons	Chester Peterson	C. W. Taylor
B. C. Holbrook	Albert W. Pfeiffer	Egbert V. Taylor
W. N. Hughes	Sylvester Phillips	H. Thieman, Jr.
W. H. Hunt	James T. Philpott	Otis C. Thomas
Lee Johnson	J. Gip Prather	E. B. Thompson
Wm. E. Justice	L. W. Preston	John L. Trumbo
H. Clay Kauffman	Kleber F. Price	S. J. Wagner
M. Kavanaugh	C. R. Reeves	R. E. West
G. M. Knuckles	L. Allen Rhoads	Taylor Witt
Homer E. Losey	Wade H. Riley	—68

Those who voted in the negative were—

F. H. Bassett, Jr.	R. M. Hall	Jno. C. Newcomb
Chas. W. Burnley	Benton Howard	E. P. Prichard
Fred Carpenter	Clyde S. Howard	Carl Scheben
John H. Clarke, Jr.	Jerry F. Howell	Jno. W. Simmons
John Henry Cox	J. J. Huff	Geo. W. Steinford
John P. Craig	Paul S. Jonas	Roy L. Taylor
Fred Creasey	A. L. Love	Harry F. Walters
		—21

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Shaikun moved that bills entitled:

H. B. 86. An Act to enable fiscal courts of counties containing a city of the first class to purchase policies of insurance.

H. B. 102. An Act to permit the joint taking of schedules or lists of taxable property by city assessor of cities of first class.

H. B. 104. An Act to provide that the fiscal year of each city of the first class shall begin on the first day of July of each year.

H. B. 105. An Act to lift the $3,000 salary limit for the Superintendent of the Jefferson County Children's Home.

Be taken from the Clerk's Desk and placed in the Orders of the Day.

Said motion was agreed to.

The Standing Committees of the House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Kauffman of the Committee on Courts.

H. B. 145. An Act to amend and re-enact Sec. 28.310 of KRS.

H. B. 129. An Act providing for compensation for attorneys appointed to defend poor persons in criminal prosecutions.

H. B. 113. An Act relating to marriage licenses.

By Mr. Hammons of the Committee on Tuberculosis.

H. B. 147. An Act to establish State Tuberculosis Sanataria.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Kauffman of the Committee on Courts.

H. B. 115. An Act relating to the solemnization of marriage.

H. B. 149. An Act relating to allowance for pauper idiots.

H. B. 80. An Act amending Sec. 132.480 and Sec. 132.490 KRS to make uniform the fees for duties of county Court Clerks.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading and no further action having been taken by the House on said bills, it was ordered that said bills not be read at length the first time and so said bills were rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 57. An Act to amend Sec. 95.500 KRS to limit the number of hours the firemen of cities of 2nd class shall be required to be on duty.

With a Committee amendment thereto.

H. B. 120. An Act validating acts done and action taken by certain cities under an erroneous classification.

H. B. 93. An Act to revise certain salaries of deputy clerks in counties with a population in excess of 90,000.

H. B. 94. An Act to amend Sec. 67.110 KRS.

With a Committee amendment thereto.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in the Armed Forces.

H. B. 74. An Act relating to licenses for operators of motor vehicles.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 13. An Act to provide that 90% of the excise tax paid on refund gasoline be refunded to purchaser, etc.

With a Committee amendment thereto by way of Substitute therefor.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 130. An Act relating to public health officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) City health officers shall receive a reasonable compensation for their services, to be allowed by the legislative body of the city and to be paid as other city officers are paid.

(2) The health officer of counties that do not have a county department of health shall receive a reasonable compensation, the amount of which shall be fixed by the fiscal court at the time of, or immediately after, his election, and to be paid as other county officers are paid. In no case shall such health officer claim or receive from the county any compensation other than the salary fixed by the fiscal court.

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county board of health as approved by the state board of health. He shall receive necessary traveling expenses.

(4) Health officers of district departments of health shall be compensated in the same manner as health officers of counties having a department of health.

Mr. Rhoads moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Shaikun moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Rhoads and Preston were as follows, viz.:

Those who voted in affirmative were—

Henry Arrowood	Paul S. Jonas	James E. Quill
F. H. Bassett, Jr.	H. Clay Kauffman	C. R. Reeves
W. G. Biggers	M. Kavanaugh	Wade H. Riley
Isaac Blevins	G. M. Knuckles	H. G. Royalty
J. C. Bradley	J. T. Linton	Amos Runyon
Chas. W. Burnley	Homer E. Losey	F. W. Schuhmann
A. Roy Copeland	A. L. Love	Leon J. Shaikun
John Henry Cox	Pearl McKinney	Robt. J. Spaulding
Thomas S. Dawson	C. C. May	E. A. Spencer
Chas. B. Gentry	Harry L. Moore	Arthur Stallard
Franklin Goins	Herbert V. Moore	Geo. W. Steinford
J. D. Gross	C. Sid Nabb	Joe Stewart
Claude Hammons	Jno. C. Newcomb	Thos. M. Swope
Clyde S. Howard	Chester Peterson	H. Thieman, Jr.
Jerry F. Howell	James T. Philpott	Otis C. Thomas
W. H. Hunt	L. W. Preston	E. B. Thompson
Lee Johnson	Kleber F. Price	R. E. West

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Those who voted in the negative were—

Chas. W. Anderson	J. R. Dorman	Wm. E. Justice
Douglas T. Bolling	T. H. Dyer	Ed Marcum
Jno. W. Burkhart	Bernie S. Edlin	Johnston Miller
C. D. Call	Harry W. Ennis	J. Lee Moore
Fred Carpenter	Dr. J. C. Gabbard	L. D. Moore
Willis Champion	R. M. Hall	W. B. Moser
John H. Clarke, Jr.	Jas. P. Hallahan	Coy C. Nevitt
Marvin Cornett	B. C. Holbrook	Joe E. Nunn
John P. Craig	Benton Howard	H. C. Patterson
Fred Creasey	J. J. Huff	Albert W. Pfeiffer
Adron Doran	W. N. Hughes	Sylvester Phillips

J. Gip Prather	Faust Y. Simpson	John L. Trumbo
E. P. Prichard	George T. Smith	S. J. Wagner
L. Allen Rhoads	C. W. Taylor	Harry F. Walters
Carl Scheben	Egbert V. Taylor	Taylor Witt
Jno. W. Simmons	Roy L. Taylor	—47

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, to-wit:

H. B. 90. An Act relating to Workmen's Compensation.

Mr. Cox moved that said bill be recommitted to the Committee on Compensation for Industrial Injuries for the purpose of holding an open hearing.

Said motion was agreed to.

Thereupon the House resumed consideration of the matter under discussion at the time the hour for the Special Order arrived.

Thereafter reconsideration of the Previous Question on H. B. 130.

Mr. Losey offered the following amendment to said bill, viz.:

Amend H. B. 130. on page 1, section 3, line 14 by striking out "State Board of Health" and inserting in lieu therefor "County Fiscal Court."

Mr. J. Lee Moore moved that said bill be made a Special Order of the Day, for Monday, January 31 at eight o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 26. Resolution authorizing the printing at the end of each Act, in the bound volume of the printed Acts, of the name of author of Act, together with the date of introduction, passage, and signature of Governor.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

The name of the author of each Act shall be printed at the end of the Act, together with the dates of introduction, passage, and signature by the Governor, in the bound volume of the Printed Acts of 1944.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Fred Carpenter	T. H. Dyer
Henry Arrowood	Willis Champion	Bernie S. Edlin
F. H. Bassett, Jr.	Jno. H. Clarke, Jr.	Harry W. Ennis
W. G. Biggers	A. Roy Copeland	Dr. J. C. Gabbard
Isaac Blevins	Marvin Cornett	Chas. B. Gentry
Douglas T. Bolling	John Henry Cox	J. D. Gross
J. C. Bradley	John P. Craig	R. M. Hall
Jno. W. Burkhart	Fred Creasey	Jas. P. Hallahan
Chas. W. Burnley	Thos. S. Dawson	Claude Hammons
C. D. Call	Adron Doran	B. C. Holbrook

Benton Howard	L. D. Moore	Vernon Seaton
Clyde S. Howard	W. B. Moser	Leon J. Shaikun
Jerry F. Howell	C. Sid Nabb	Jno. W. Simmons
J. J. Huff	Jno. C. Newcomb	Faust Y. Simpson
W. N. Hughes	Joe E. Nunn	Robt. J. Spaulding
W. H. Hunt	H. C. Patterson	E. A. Spencer
Lee Johnson	Chester Peterson	Arthur Stallard
Paul S. Jonas	Albert W. Pfeiffer	Geo. W. Steinford
M. Kavanaugh	Sylvester Phillips	Joe Stewart
G. M. Knuckles	J. Gip Prather	Thos. M. Swope
J. T. Linton	L. W. Preston	Egbert V. Taylor
Homer E. Losey	Kleber F. Price	Roy L. Taylor
A. L. Love	Edw. P. Prichard	H. Thieman, Jr.
Pearl McKinney	James E. Quill	Otis C. Thomas
Ed Marcum	C. R. Reeves	John L. Trumbo
C. C. May	L. Allen Rhoads	Harry F. Walters
Johnston Miller	H. G. Royalty	R. E. West
Harry L. Moore	Amos Runyon	Taylor Witt
Herbert V. Moore	Carl Scheben	
J. Lee Moore	F. W. Schuhmann	—88

Resolved that the title thereof be as aforesaid.

Mr. Prather moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 98. An Act relating to primary elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of 119.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 119.070 and 119.075, any person who is qualified under KRS 119.200 to vote in any primary election for the candidates for nomination by the party at whose hands he seeks the nomination, shall have his name printed on the official ballot of his party for an office to which he is eligible in that primary, upon filing, with the proper officer at the proper time, a notification and declaration.

§ 2. A new section of the statutes is created, to be numbered KRS 119.075 and to read as follows:

(1) The provisions of KRS 119.050 shall not apply to any eligible person serving in the Armed Forces of the United States while this country is at war. The name of such person shall be printed on the official ballot of his party for an office for which he is eligible in any primary election when an application has been filed on his behalf by two reputable electors of the party at whose hands he seeks the nomination.

(2) Such application shall be accompanied by a statement signed by the proposed candidate authorizing the action of the electors.

(3) The application and the candidate's statement, herein mentioned, shall be filed in good faith and with the proper officer at the proper time, as provided for other candidates in primary elections.

(4) The form of such application shall be similar to that of the affidavits required of electors in behalf of other candidates as provided in KRS 119.050.

(5) No certificate of nomination shall be given to any such successful soldier, sailor or marine candidate until he

has caused to be filed with the Clerk of the County Court, in the county of his legal residence, a statement containing such information as is required, in section 119.070, of successful candidates for judicial nominations.

Mr. Bolling moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John Henry Cox	Benton Howard
Henry Arrowood	Fred Creasey	Clyde S. Howard
F. H. Bassett, Jr.	Thos. S. Dawson	Jerry F. Howell
W. G. Biggers	Adron Doran	J. J. Huff
Isaac Blevins	J. R. Dorman	W. N. Hughes
Douglas T. Bolling	T. H. Dyer	W. H. Hunt
J. C. Bradley	Bernie S. Edlin	Lee Johnson
Jno. W. Burkhart	Harry W. Ennis	Paul S. Jonas
Chas. W. Burnley	Dr. J. C. Gabbard	Wm. E. Justice
C. D. Call	Franklin Goins	H. Clay Kauffman
Fred Carpenter	J. D. Gross	M. Kavanaugh
Willis Champion	R. M. Hall	G. M. Knuckles
Jno. H. Clarke, Jr.	Jas. P. Hallahan	J. T. Linton
A. Roy Copeland	Claude Hammons	Homer E. Losey
Marvin Cornett	B. C. Holbrook	A. L. Love

Pearl McKinney	J. Gip Prather	Faust Y. Simpson
Ed Marcum	L. W. Preston	George T. Smith
C. C. May	Kleber F. Price	Robt. J. Spaulding
Johnston Miller	Edw. P. Prichard	Arthur Stallard
Harry L. Moore	James E. Quill	Geo. W. Steinford
Herbert V. Moore	C. R. Reeves	Joe Stewart
J. Lee Moore	L. Allen Rhoads	Thos. M. Swope
L. D. Moore	Wade H. Riley	C. W. Taylor
W. B. Moser	H. G. Royalty	Egbert V. Taylor
C. Sid Nabb	Amos Runyon	Roy L. Taylor
Jno. C. Newcomb	Carl Scheben	Otis C. Thomas
Chester Peterson	F. W. Schuhmann	E. B. Thompson
Albert W. Pfeiffer	Vernon Seaton	John L. Trumbo
Sylvester Phillips	Leon J. Shaikun	Harry F. Walters
James T. Philpott	Jno. W. Simmons	R. E. West

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Resolved that the title thereof be as aforesaid.

Mr. Bolling moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 25. An Act to prohibit employees of the Commonwealth of Kentucky assigned to the Division of Old Age Assistance, from working in voting precincts or at election polls or in political conventions.

Mr. Miller moved that said bill be made a Special Order of the Day, for Monday, January 31, at eight-thirty o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 86. An Act enabling fiscal courts of counties containing cities of the first class, to purchase policies of insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fiscal court, in each county, having therein a city of the first class, may, in its discretion, for the protection of the public and its employees, appropriate county funds to purchase policies of insurance, of all kinds, deemed advisable, covering motor vehicles and other vehicles, by the county, and compensation insurance covering employees of the county receiving injuries arising out of and in the course of employment; provided, the insurance carrier, by its policy of insurance, waives therein the right to contest or deny liability, by denying the liability of the county because of its governmental capacity and immunity on that account, and, provided, said policy of insurance shall bind the company to pay any final judgment rendered against the county for loss, or damage to property of any person or death or injury of any person.

Mr. Peterson offered the following amendment to said bill, viz.:

Amend H. B. 86 on page 1, line 4 by striking the comma at the end of line 4 and insert in lieu thereof "operated"

Said amendment was agreed to.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 86, on page 1, section 1, line 1 and 2 by striking out the words "city of the first class" and insert in lieu thereof the words "city of the first or third class"

Said amendment was agreed to.

Mr. Peterson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Marvin Cornett	Lee Johnson
Henry Arrowood	John Henry Cox	Paul S. Jonas
F. H. Bassett, Jr.	John P. Craig	Wm. E. Justice
W. G. Biggers	Fred Creasey	M. Kavanaugh
Isaac Blevins	Thos. S. Dawson	A. L. Love
J. C. Bradley	Adron Doran	Pearl McKinney
Jno. W. Burkhart	J. R. Dorman	Ed Marcum
Chas. W. Burnley	Benton Howard	C. C. May
C. D. Call	Clyde S. Howard	Johnston Miller
Fred Carpenter	Jerry F. Howell	Harry L. Moore
Willis Champion	J. J. Huff	Herbert V. Moore
Jno. H. Clarke, Jr.	W. N. Hughes	J. Lee Moore
A. Roy Copeland	W. H. Hunt	L. D. Moore

W. B. Moser	Thos. M. Swope	Chester Peterson
Edw. P. Prichard	C. W. Taylor	Albert W. Pfeiffer
James E. Quill	Egbert V. Taylor	Sylvester Phillips
C. R. Reeves	T. H. Dyer	James T. Philpott
L. Allen Rhoads	Bernie S. Edlin	J. Gip Prather
Wade H. Riley	Harry W. Ennis	L. W. Preston
H. G. Royalty	Dr. J. C. Gabbard	Kleber F. Price
Carl Scheben	Chas. B. Gentry	Roy L. Taylor
F. W. Schuhmann	Franklin Goins	H. Thieman, Jr.
Leon J. Shaikun	J. D. Gross	Otis C. Thomas
Jno. W. Simmons	R. M. Hall	E. B. Thompson
Faust Y. Simpson	Jas. P. Hallahan	John L. Trumbo
George T. Smith	Claude Hammons	S. J. Wagner
Robt. J. Spaulding	B. C. Holbrook	Harry F. Walters
E. A. Spencer	C. Sid Nabb	R. E. West
Arthur Stallard	Jno. C. Newcomb	Taylor Witt
Geo. W. Steinford	Joe E. Nunn	
Joe Stewart	H. C. Patterson	—91

Mr. Rhoads offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 86 in first line thereof by striking out the words "Cities of the first class" and inserting in lieu therefor the words "cities of the first and third class."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Peterson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 102. An Act to permit the joint taking of schedules or lists of taxable property by the city assessor of cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.320, Kentucky Revised Statutes, 1942 (First Edition) is hereby amended and as amended reads:

(1) Every person owning or holding taxable property, either in his own right or as a fiduciary or agent, shall return to the assessor or his assistant a true list of all such property, stating the value of the personal property, upon blanks prepared for that purpose by the assessor in the form prescribed by ordinance, and shall make oath before the assessor or his assistant.

However, if it be deemed expedient, the city assessor may mail, by postal card, appropriate notice to the last known address of the taxpayer and by agreement with the county tax commissioner receive the return of the said true list or schedule of all such taxable property in the office of the county tax commissioner simultaneously with the taking of such list or schedule for State and county purposes by the county tax commissioner, and under such arrangement the city tax assessor shall provide for such purpose a sufficient number of deputies to expeditiously perform such duties and they shall perform such duties in the office of the county tax commissioner during the period necessary to complete said duties. If such arrangement is made, both the city assessor and the county tax commissioner, and the deputies of each and either, are hereby empowered to administer any oath to the taxpayer, provided by law in connection with the return of any list or schedule, whether the property be located in the county outside the city or in the corporate limits of the

city. The method of payment of salaries to said deputies engaged in said work shall not be affected by such arrangement.

If the office of the county tax commissioner is put to any additional expense by reason of the taking of such lists or schedules for city property, such additional expense shall be paid by the city.

Nothing in this act shall be construed as an acceptance by the city of the assessment of the county tax commissioner on property located in the city, but for the sole purpose of convenience and economy.

(2) If any such person fails to return a true list under oath, the assessor may, according to the best information he can obtain, assess the property.

(3) The police court shall, at the instance of the assessor, enforce by rule or process of contempt the return, under oath, of the list required by this section.

(4) The assessor shall each day make diligent search among the conveyances and probated wills recorded in the office of the county clerk and among the confirmations of sales in the courts, and shall also make personal inquiry in his yearly rounds about deaths among the owners of lands or improvements in the city.

(5) The assessor shall keep in alphabetical order a register of all transfers of real estate. All purchasers of real estate in the city shall furnish the assessor information thereof within two days after the conveyance has been lodged for record. The assessor shall notify such purchasers of any taxes that remain unpaid and are a lien on the property bought.

Because of the shortage of manpower and the necessity for elimination of unnecessary duplication in the assessing functions of the city assessor and county tax commissioner, an

emergency is declared and this act shall become effective immediately after its approval by the Governor.

Mr. Dawson moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Thos. S. Dawson	Paul S. Jonas
Henry Arrowood	Adron Doran	Wm. E. Justice
F. H. Bassett, Jr.	J. R. Dorman	H. Clay Kauffman
W. G. Biggers	T. H. Dyer	M. Kavanaugh
Isaac Blevins	Bernie S. Edlin	G. M. Knuckles
Douglas T. Bolling	Harry W. Ennis	J. T. Linton
J. C. Bradley	Dr. J. C. Gabbard	Homer E. Losey
Chas. W. Burnley	Franklin Goins	A. L. Love
Fred Carpenter	R. M. Hall	Pearl McKinney
Willis Champion	Jas. P. Hallahan	Ed Marcum
Jno. H. Clarke, Jr.	Claude Hammons	C. C. May
A. Roy Copeland	Benton Howard	Johnston Miller
Marvin Cornett	Clyde S. Howard	Harry L. Moore
John Henry Cox	Jerry F. Howell	Herbert V. Moore
John P. Craig	J. J. Huff	J. Lee Moore
Fred Creasey	W. H. Hunt	W. B. Moser

C. Sid Nabb	Wade H. Riley	Thos. M. Swope
Jno. C. Newcomb	H. G. Royalty	C. W. Taylor
Joe E. Nunn	Amos Runyon	Egbert V. Taylor
Chester Peterson	Carl Scheben	Roy L. Taylor
Albert W. Pfeiffer	F. W. Schuhmann	Otis C. Thomas
Sylvester Phillips	Leon J. Shaikun	E. B. Thompson
James T. Philpott	Jno. W. Simmons	John L. Trumbo
J. Gip Prather	George T. Smith	S. J. Wagner
L. W. Preston	E. A. Spencer	Harry F. Walters
Edw. P. Prichard	Arthur Stallard	R. E. West
James E. Quill	Geo. W. Steinford	Taylor Witt
L. Allen Rhoads	Joe Stewart	—83

Those who voted in the negative were—

Faust Y. Simpson	Robt. J. Spaulding	—2

Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

Without objection, the following bills were introduced, ordered printed and referred as follows, viz.:

By Mr. Quill.

H. B. 178. An Act to create the office of Assistant Commonwealth's Attorney in Judicial Districts having population of less then two hundred thousand.

AN ACT to create the office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than Two Hundred Thousand; to provide for his appointment by the Commonwealth's Attorney; to fix his qualifications and term; to define his powers and duties; to provide for his com-

pensation; to repeal Section 69.060 of the Kentucky Revised Statutes, 1942 Edition; and declaring an emergency to exist.

WHEREAS, duly elected and qualified Commonwealth's Attorney's of several Judicial Districts in Kentucky are now absent in the military service of the United States of America, and others may be inducted into said service at any time, and suitable and proper legislation providing for the exercise of their powers and discharge of their duties should be enacted.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The office of assistant Commonwealth's Attorney in Judicial Districts having a population of less than Two Hundred Thousand is hereby created.

2. The assistant Commonwealth's Attorney shall be appointed by the Commonwealth's Attorney for the duration or unexpired part of his term, but shall be subject to removal at any time by the Commonwealth's Attorney. A certificate signed by the Commonwealth's Attorney and filed in the office of the Circuit Clerk in each court of the district shall be sufficient notice of such appointment and authority thereunder.

3. The assistant Commonwealth's Attorney shall possess the qualifications of a Commonwealth's Attorney, and during the absence from the Judicial District of the Commonwealth's Attorney or his inability to attend shall act as Commonwealth's Attorney and have the same powers and perform all the duties now or hereafter imposed on Commonwealth's Attorney by law, and while so acting shall be paid and receive the fees and commissions that the Commonwealth's Attorney would have received if present and acting, the Commonwealth's Attorney to continue to receive the salary fixed by law. But in no event shall the total amount of salaries, fees and commissions paid the Commonwealth's Attorney and his assistant Commonwealth's Attorney acting under the pro-

visions hereof exceed the sum of Five Thousand ($5,000.00) Dollars in any one year.

4. Section 69.060, Kentucky Revised Statutes, is hereby repealed.

5. Inasmuch as several Commonwealth's Attorneys are now absent in the military service of the United States of America and others are about to leave to enter, and there is now no suitable or proper provision for the discharge of the duties of said absentees during their absence, an emergency is declared to exist, and this Act shall take effect and to be in force from and after its passage and approval by the Governor.

To Committee on Courts.

By Mr. Shaikun.

H. B. 179. An Act relating to district detectives for counties having population of 150,000 or more.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more the Commonwealth's attorney shall appoint four district detectives for a term of four years subject to removal at any time by the Commonwealth's Attorney. The district detectives shall each be paid a salary not to exceed $2,800 annually for each detective, paid out of the county levy in equal monthly installments.

To Committee on Cities of First Class.

By Mr. Scheben.

H. B. 180. An Act relating to the filing of nomination papers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 119.080 of the Kentucky Revised Statutes is amended to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress, shall file their nomination papers with the county clerk of the county on or before July 1. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State on or before June 15. If the last day on which nominations papers may be filed under this section falls on Sunday, the last day for filing shall be the Saturday immediately preceding.

§ 2. Subsections (3) and (4) of section 118.130 of the Kentucky Revised Statutes are amended to read as follows:

(3) Except as provided in subsection (4) of this section, petitions and certificates of nominations made under KRS 118.080 and 118.090, when required to be filed with the Secretary of State, shall be filed on or before June 15 preceding the election. When required to be filed with the county court clerk, they shall be filed on or before July 1 preceding the election. If the last day on which such petitions and certificates may be filed under this subsection falls on Sunday, the last day for filing shall be the Saturday immediately preceding.

(4) Petitions and certificates of nominations made under KRS 118.080 and 118.090 for the nomination of candidates for city offices or the candidates for members of boards of education shall be filed on or before October 15 preceding the election, except that where any independent graded school district comprises parts of two or more counties the petitions and certificates shall be filed with the Secretary of State on or before September 15 preceding the election, and except that in any independent school district authorized to hold elections for members of its board of education on a day other than the day of the regular November election, the petitions or certificates shall be filed not less than fifteen days before the day fixed by law for the election. Certificates for nomination for electors of President and Vice-President of the United States shall be filed with the Secretary of State on or before September 15 preceding the election.

To Committee on Suffrage and Elections.

By Mr. McKinney.

H. B. 181. An Act relating to drainage districts, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. At any time, twenty-five percent of the landowners, or the owners of twenty-five percent of the land, in a drainage district established under Chapter 268 of the Kentucky Revised Statutes, or under the Act of 1918 from which it came, may petition the county court for a discontinuation of the improvement. The petition shall give the names of all persons interested in the maintenance of the improvement and owning land in the district. The court shall place the petition upon the docket of the court that convenes not less than fifteen days after its filing, and shall issue notices and cause them to

be served upon all parties interested, notifying them that the court will consider them at the next term. If no valid reason is shown against the discontinuance of the improvement, the court shall enter an order discontinuing it, after which it shall cease to be a public improvement. An appeal may be had from the order to the circuit court, as provided in the establishment of improvements.

§ 2. Subsection (2) of section 268.160 of the Kentucky Revised Statutes is amended to read as follows:

(2) The secretary shall give twenty days' notice in a newspaper published in each county where any part of the drainage district lies and by posting three notices in each precinct of the district, informing the owners of the district that they may vote for a drainage commissioner for each precinct and a secretary for the board and the district, within a stated time.

The vote shall be taken by the owners filing a written designation of choice, together with the number of acres the voter owns in the district, or if benefits have been confirmed the amount of benefits assessed against the owner's land, with the county judge. Each acre owned and assessed in the district shall count one vote, or if benefits have been confirmed each one hundred dollars or fraction thereof in benefits assessed against the voter's land shall count one vote for secretary and drainage commissioner. The votes of the owners, when cast and filed with the county judge, shall be recorded by the secretary of the board in the drainage record immediately after the expiration of the time for casting the vote. Votes shall be filed with the county judge by the first Monday in April for drainage commissioner and for secretary, for a term of two years beginning on the first Monday of May following. If there is a tie vote in any contest the judge of the county where the district has been established shall cast the deciding vote.

To Committee on Public Ditches.

By Mr. Cox.

H. B. 182. An Act relating to hunting and fishing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(3) (a) Non residents attending and participating in any annual state or national field trial need not obtain a hunting license.

(b) Residents of this state who are sixty-five years of age or older need not obtain a hunting or fishing license.

To Committee on Fish and Game.

By Mr. Burnley.

H. B. 183. An Act relating to officers and employees of Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No officer or employe of the Department of Highways shall be pecuniarily or otherwise interested in any contract for the construction, reconstruction, repair or maintenance of any highway or bridge of this state, or any part thereof, nor in any contract for materials for such work; nor shall any such officer or employe be in any way connected with or interested in any corporation or person bidding on or

holding any contract for the construction, reconstruction, repair or maintenance or any highway or bridge of this state, or any part thereof.

§ 2. Any person violating the provisions of section one of this Act shall be fined not less than one thousand nor more than five thousand dollars, and upon proof of conviction of violation he shall be removed from office by the appointing authority.

To Committee on Roads and Highways No. 1.

By Mr. Bolling.

H. B. 184. An Act to repeal, amend etc. Kentucky Statutes relating to veterans, ex-service men, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 36.060 Kentucky Revised Statutes, 1942, be and the same is hereby repealed, amended and re-enacted, so that when so amended and re-enacted said section of said Revised Statutes shall read as follows:

"36.060 (4618.83) Veterans' Division.

(1) The Veterans' Division of the Department of Military Affairs shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veteran's Administration so that the status of any claim may be known at any time;

(d) Continue to survey the State to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the Adjutant General directs.

(2) 'Veterans' and 'ex-service men and women,' as used in this section, include any individual who served on active duty in the Army, Navy or Marine Corps of the United States and who has received an honorable discharge from such service.

(3) The Adjutant General shall exercise general administration of the work of this Division and shall direct the work in the light of advice from the Kentucky Disabled Ex-Service Men's Board. The Board shall be composed of the Lieutenant Governor, the Adjutant General and the State Commander of the American Legion, and the State Commander of the Veteran's of Foreign Wars, on application of same; all members; ex-officio.

The members of the Board shall serve without compensation, but shall be reimbursed for necessary travel expenses incident to their official duties.

The Attorney General with the approval of the Adjutant General shall nominate and assign a regular practicing attorney for the Veterans' Division of the Department of Military Affairs, whose duty will be to handle all legal matters, including the prosecution of all the Veteran's claims of the Division, and perform such other duties as directed by the Attorney General. He shall be paid a salary in monthly installments from the regular appropriations of the Veterans' Division, Department of Military Affairs, of not less than

Thirty Six Hundred ($3,600.00) Dollars, nor more than Four Thousand ($4,000.00) Dollars per year.

To Committee on Veterans' Legislation.

By Mr. Walters.

H. B. 185. An Act relating to investment of trust funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 386.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or lease-hold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the circuit court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the Circuit Court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

To Committee on Kentucky Statutes.

By Mr. Nunn.

H. B. 186. An Act relating to toll bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 280.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, unless he is entitled by law to free passage, shall pass or take any vehicle over or upon any part of any privately-owned toll bridge or toll ferry without paying in legal tender to the collector of tolls then stationed at the bridge or ferry the amount of toll prescribed by law or regulation for passage over the bridge or ferry.

(2) The school board of the district in which they belong shall pay the proper toll charges over privately-owned toll bridges or toll ferries for children going to or returning from school, and for school busses and other vehicles used exclusively in the transportation of school children to and from school.

§ 2. Section 180.320 of the Kentucky Revised Statutes is amended to read as follows:

No person except officers and employes of the Department of Highways while engaged in the discharge of their duties, or children going to or returning from school, and school busses and other vehicles used exclusively in the transportation of school children to and from school, and persons exempted by KRS 38.430, shall pass over or upon any bridge or ferry owned or operated by the Department of Highways, upon which bridge or ferry tolls are at such time regularly collected, without paying the prescribed toll to the collector of tolls stationed at the bridge or ferry at the time of the passage.

To Committee on Bridges and Ferries.

By Mr. Preston and Mr. Love.

H. B. 187. An Act making an allowance for the improvement of county roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the State Road Funds, for each of the fiscal years ending March 31, 1945, and March 31, 1946, for the improvement, reconstruction and maintenance of county roads and bridges in accordance with the provisions of KRS 179.410 to 179.430, the sum of three million ($3,000,000) dollars. Of this amount not more than 10% may be used for administration purposes for the Rural Highway Division in the Department of Highways.

§ 2. Section 179.410 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the improvement, reconstruction and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ration which the rural population of each county bears to the total rural population of the state. For the purpose of this subsection cities with a population of 10,000 or more according to the most recent federal census shall be excluded in computing rural population.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

§ 3. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for the con-

struction and maintenance of county roads by the Department of Highways in accordance with previously agreed plans prepared jointly by the fiscal courts of the several counties and the Department of Highways, or prepared by one or the other and jointly approved. The plan shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which the funds shall be expended for the fiscal year to which the agreement applies, giving priority to the maintenance of county roads and bridges heretofore constructed. The plan for each county shall be formulated and agreed to annually.

(2) If at the end of thirty days after the beginning of fiscal year of the Department of Highways, the department and the fiscal court of any county have failed to agree on a plan, the county judge of such county shall have authority to determine which of the submitted plans shall be followed, or to determine which of the details that have been proposed in a joint plan, and as to which the fiscal court and the Department of Highways have been unable to agree, shall be carried out in such joint plan.

§ 4. Whereas the fiscal year of the Department of Highways commences on April 1 and it is essential for the proper development and improvement of county roads and bridges that this Act be placed in operation by the time such fiscal year commences, an emergency is declared to exist and this Act shall take effect upon its approval by the Governor.

To Committee on Appropriations.

By Messrs. Losey and Runyan.

H. B. 188. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 157.052 and 157.053, Kentucky Revised Statutes, be and the same are hereby repealed and reenacted so that when repealed and reenacted they shall read as follows:

Any board of education that has had its budget and salary schedule approved by the State Board of Education as provided by law and has levied for school purposes a tax of at least seventy-five cents on each one hundred dollars of property subject to local taxation, provided that the ad valorem tax levy is not reduced in any district below that made for the school year 1943-1944, shall have the privilege of applying for aid from this special fund. Such application shall be filed with the Superintendent of Public Instruction on or before January 15 prior to the beginning of the school year for which such aid is requested, except the year 1944 and previous to May 15, 1944.

The Superintendent of Public Instruction shall make a careful study to determine the amount of revenue that is available annually for the education of each child in average daily membership in the public schools in each school district in Kentucky. This study which shall be used as a basis for the distribution of moneys from the special fund shall be based upon records and reports for the school year ending June 30 immediately preceding. For the purpose of this study the Superintendent of Public Instruction shall include all recurring state and local revenues accruing to the board of education and shall calculate the local income at the rate of seventy-five cents per one hundred dollars of property subject to local taxation, or on the basis of the 1943-44 ad valorem tax levy if it is greater than seventy-five cents. This study shall be made annually in the same manner. If the Superintendent of Public Instruction finds that a board of education is unable to provide an average of forty dollars per year for the

education of each child in average daily membership in its district, then the Superintendent of Public Instruction with the approval of the State Board of Education shall prorate from the funds appropriated for this purpose an amount sufficient to enable each board of education to provide an income of forty dollars per year for the education of each child in average daily membership in such school district. In the event that the amount appropriated for this purpose is not sufficient to permit an allotment to each board of education of the full amount necessary to provide an income of forty dollars per year per pupil in average daily membership, then the amount appropriated shall be distributed to all school districts which qualify for such aid on a percentage basis to be determined by the ratio of the funds appropriated for this purpose to the total amount necessary to provide an income of forty dollars per child in average daily membership in the public schools of the entire Commonwealth.

To Committee on Education No. 1.

Mr. Quill moved that the Rule fixing the hour for convening be suspended and that the House do now adjourn to meet again on tomorrow at ten o'clock A.M.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 28, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howell moved that the Clerk be directed to hold all resolutions permitting persons to sue the Commonwealth and have them incorporated into one resolution and printed.

Said motion was agreed to.

Mr. Moser moved that Miss Lockie Faye Hart, daughter of Mayor and Mrs. George Hart of Murray, Kentucky be appointed an Honorary Page of this House.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body, entitled:

S. B. 37. An Act to provide for an amendment to Section 230 of the Constitution, pertaining to the withdrawal of money for the State Treasury.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 230 of the Constitution of the Commonwealth of Kentucky be, and the same is hereby amended, so that said section, when amended and re-enacted, shall read as follows:

Section 230. MONEY NOT TO BE DRAWN FROM TREASURY UNLESS APPROPRIATED; PUBLICATION; HIGHWAY FUNDS.—No money shall be drawn from the state treasury, except in pursuance of appropriations

made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

No money derived from excise or license taxation relating to gasoline and other motor fuels, and no monies derived from fees, excise or license taxation relating to registration, operation, or use of vehicles on public highways shall be expended for other than the cost of administration, statutory refunds and adjustments, payment of highway obligations, costs for construction, reconstruction, rights-of-way, maintenance and repair of public highways and bridges, and expense of enforcing state traffic and motor vehicle laws.

§ 2. This amendment shall be submitted to the voters of the state for their ratification or rejection at the time and in the manner provided for under sections 256 and 257 of the Constitution of Kentucky and under provisions of Section 118.430 of K.R.S.

S. B. 38. An Act providing for persons living in cities of the fifth or sixth classes to demand of county school board to place their property in a certain school district.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Whenever any territory in any municipality of the Fifth or Sixth Class, or any territory which may become incorporated in any such municipality, is located in a county school district, the Owners of real property in such territory are given the right to demand of the Board of Education of the county school district in which their property is located that said property should be placed in and become a part of the school district in which the greater part of said municipality is located and embraced; whether said school district be a county or independent school district.

(2) If 75 per cent of the owners of real property located in any territory in a county school district shall present a written petition to the Board of Education of the school district in which their property is located demanding of said Board of Education that their property be placed in another school district, the Board of Education of the school district in which said property is located shall proceed at once to place said property in the school district as demanded by said petitioners.

(3) The Board of Education of the recipient school district shall first give their consent and approval to the demand made by the petitioners, and by giving said consent and approval will indicate thereby that they favor and request the territory to be placed in and annexed to said recipient school district; said approval and consent shall be made by the counter signing of the Petition by the Chairman of the Board of Education of the recipient school district or by a majority of the Board of Education of said recipient school district signing said petition.

(4) Should the Board of Education of the school district of which the demand is made for the transfer of certain property as set out in Section 1 of this Act, refuse to comply with the request presented by the petition as set out in Sections 2 and 3 of this Act, the property owners who have signed said petition, or one or more of them on behalf of all of said property owners may resort to the Circuit Court of the County in which said property is located and may proceed by mandamus or other procedure.

(5) The purpose of this Act is to enable all property located within any municipally incorporated territory to be placed in one school district as such procedure tends to promote school and civic spirit.

S. B. 48. An Act relating to local health officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 212.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) City health officers shall receive a reasonable compensation for their services, to be allowed by the legislative body of the city and to be paid as other city officers are paid.

(2) The health officer of counties that do not have a county department of health shall receive a reasonable compensation, the amount of which shall be fixed by the fiscal court at the time of, or immediately after, his election, and to be paid as other county officers are paid. In no case shall such health officer claim or receive from the county any compensation other than the salary fixed by the fiscal court.

(3) The health officer of counties having a county department of health shall receive a salary to be fixed by the county board of health as approved by the state board of health. He shall receive necessary traveling expenses.

(4) Health officers of district departments of health shall be compensated in the same manner as health officers of counties having a department of health.

S. Res. 12. Resolution authorizing A. E. Funk and his wife to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

WHEREAS, A. E. Funk and his wife, Myrtle Funk, own property in Franklin County, Kentucky, located on the Ver-

sailles Pike about two miles east of Frankfort, Kentucky, on U. S. Highway No. 60; and

WHEREAS, The Department of Highways of the Commonwealth of Kentucky negligently constructed the drainage of said highway in such a manner as to cause the water to flow from said highway in and through the basement windows into the basement of the property of the said A. E. Funk and his wife, Myrtle Funk; and

WHEREAS, This flooding of the basement occurred at least five times and after each flooding the Department of Highways assured the owners of the property that said condition had been corrected; and

WHEREAS, The drainage from said highway not only flooded the basement five times, but so flooded the yard of the said property owners as to saturate the entire surface, causing the septic tank and drainage system to overflow and back up into the drains, sinks and sanitary fixtures in said dwelling; and

WHEREAS, The property owners herein were required to remove all of said drainage system, including septic tank, and re-install and re-locate same; and

WHEREAS, After each time that the basement of said property was flooded the property owners refurnished said basement and for five successive times within the years 1942 and 1943 said basement was again flooded and all property therein was destroyed; and

WHEREAS, In addition to the damage done to the property and plumbing, large holes and gullies were cut in and across the property owners' driveway and back yard, all of which damage was caused by the negligent and unskillful con-

struction and faulty drainage of U. S. Highway No. 60; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the said A. E. Funk and his wife be permitted to sue the Department of Highways and the Commonwealth of Kentucky in the Franklin Circuit Court for such damages as may be the direct result of the said flooding of their property caused by the alleged negligence on the part of the Department of Highways of the Commonwealth of Kentucky in the construction of the drainage system of U. S. Highway No. 60 at or near their property in Franklin County, Kentucky.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Department of Highways and the Commonwealth of Kentucky and may settle same before or after suit is filed if he deem it advisable to do so. Any amount recovered shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer, whether recovered by a suit or by settlement with the Attorney General. This resolution shall not be considered as evidence of negligence upon the part of the Commonwealth of Kentucky, the Department of Highways, or its employees, and shall not be commented upon by the attorneys for plaintiffs in any manner whatsoever in the trial of said action before a jury. This resolution shall be deemed only authority to bring an action, not admission of negligence. The amount of recovery herein shall be limited to a sum not to exceed $2,500.00. In the event of suit and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

S. Res. 16. A Joint Resolution directing the Commissioner of Finance to provide committee rooms on the third floor of the New Capitol Building for 1946 session of General Assembly.

Said resolution is as follows, viz.:

A Joint Resolution directing the Commissioner of Finance to provide committee rooms on the third floor of the New Capitol Building for the 1946 Regular Session of the General Assembly and all other Regular and Extraordinary Sessions.

Whereas, it is necessary that the General Assembly now make provisions looking to the furnishing of sufficient office space for the proper work of its committees during the Regular Session of the General Assembly in 1946 and during all other Regular and Extraordinary Sessions, and

Whereas, while all State officials having offices at this time in the New Capitol Building cooperated splendidly with the 1944 Regular Session in finding rooms for committee use, it is obvious that advance arrangement must be made for the Regular Session of 1946 and for all other Regular and Extraordinary Sessions of the General Assembly, now therefore

Be It Resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly hereby directs the Commissioner of Finance, in due time for the convening of the Regular Session of the General Assembly of 1946, and in due time for the convening of any and all other Regular and Extraordinary Sessions of the General Assembly, to clear all the various rooms and offices on the third floor of the New Capitol Building and prepare them for use as Committee Rooms for the House of Representatives and the Senate during the times they may be assembled in Regular or Extraordinary Session.

Ordered that said bills and resolutions be printed and referred.

And that they had passed a bill which originated in this House entitled:

H. B. 65. An Act to amend subsec. 2 of sec. 199.990 of KRS so as to increase the penalty for violating Sec. 199.320 of KRS.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal of January 24.)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. B. 65 in Senate by striking therefrom the words "and if the jury finds against the defendant, their verdict shall so state, and the court shall fix the punishment."

in Subsection 2 (c) of Section 1 of said bill.

Further amend said House Bill No. 65 in Senate by striking the comma following the words "under KRS 199.320" in the aforementioned subsection (2) (c) of Section 1 and inserting in lieu thereof a period.

Mr. Scheben moved that the House concur in said amendment.

Said motion was agreed to, and said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	F. H. Bassett, Jr.	Isaac Blevins
Henry Arrowood	W. G. Biggers	Douglas T. Bolling

J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Mr. Scheben moved that the vote by which said bill was passed, as amended, be reconsidered and said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Stallard moved that a bill entitled:

H. B. 149. An Act relating to allowances for pauper idiots.

Which was reported by the Committee on Courts on January 27 with the expression of opinion that said bill ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

Mr. Newcomb moved that the vote by which the House refused to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, be reconsidered and said motion lie on the table.

Said last named motion was agreed to.

Mr. Prather moved that the Rules of this House be suspended for the purpose of offering a resolution.

Said motion was disagreed to, having failed to receive a majority necessary for suspension of Rules.

The yeas and nays being required thereon by Messrs. Prather and Quill, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. R. Dorman	Claude Hammons
W. G. Biggers	T. H. Dyer	B. C. Holbrook
Isaac Blevins	Bernie S. Edlin	Jerry F. Howell
Willis Champion	Harry W. Ennis	J. J. Huff
Jno. H. Clarke, Jr.	J. D. Gross	W. H. Hunt
Marvin Cornett	Jas. P. Hallahan	Lee Johnson

G. M. Knuckles	Sylvester Phillips	C. W. Taylor
Homer E. Losey	James T. Philpott	Egbert V. Taylor
Ed Marcum	J. Gip Prather	H. Thieman, Jr.
Harry L. Moore	F. W. Schuhmann	E. B. Thompson
J. Lee Moore	Faust Y. Simpson	John L. Trumbo
L. D. Moore	George T. Smith	R. E. West
C. Sid Nabb	Robt. J. Spaulding	Taylor Witt
Coy C. Nevitt	Arthur Stallard	
Albert W. Pfeiffer	Thos. M. Swope	—43

Those who voted in the negative were—

F. H. Bassett, Jr.	Pearl McKinney	L. Allen Rhoads
Jno. W. Burkhart	C. C. May	Amos Runyon
Chas. W. Burnley	Johnston Miller	Carl Scheben
C. D. Call	Herbert V. Moore	Leon J. Shaikun
Fred Carpenter	W. B. Moser	Jno. W. Simmons
A. Roy Copeland	Jno. C. Newcomb	E. A. Spencer
John Henry Cox	Joe E. Nunn	Geo. W. Steinford
John P. Craig	H. C. Patterson	Joe Stewart
Fred Creasey	Chester Peterson	Roy L. Taylor
Franklin Goins	L. W. Preston	Otis C. Thomas
Benton Howard	Kleber F. Price	S. J. Wagner
Paul S. Jonas	Edw. P. Prichard	Harry F. Walters
M. Kavanaugh	James E. Quill	
J. T. Linton	C. R. Reeves	—40

The Committee on Ways and Means to which the same had been referred, reported bills of the following titles, viz.:

H. B. 32. An Act relating to Revenue and Taxation.

H. B. 103. An Act pertaining to registration for elections in cities of the first class.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 64. An Act relating to public utilities.

H. B. 145. An Act to amend and re-enact Sec. 28.310 of KRS.

H. B. 129. An Act providing for compensation for attorneys appointed to defend poor persons in criminal prosecutions.

H. B. 113. An Act relating to marriage licenses.

H. B. 147. An Act to establish State Tuberculosis Sanataria.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 104. An Act pertaining to cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.010 Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

91.010 Fiscal year. The fiscal year of each city of the first class shall begin on the first day of July of each year and end on June 30 next following.

Mr. Shaikun moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	John Henry Cox	Clyde S. Howard
Henry Arrowood	John P. Craig	Jerry F. Howell
F. H. Bassett, Jr.	Fred Creasey	J. J. Huff
W. G. Biggers	Thos. S. Dawson	W. H. Hunt
Isaac Blevins	Adron Doran	Lee Johnson
J. C. Bradley	J. R. Dorman	Paul S. Jonas
Jno. W. Burkhart	T. H. Dyer	Wm. E. Justice
Chas. W. Burnley	Bernie S. Edlin	H. Clay Kauffman
C. D. Call	Franklin Goins	M. Kavanaugh
Fred Carpenter	R. M. Hall	G. M. Knuckles
Willis Champion	Jas. P. Hallahan	J. T. Linton
Jno. H. Clarke, Jr.	Claude Hammons	Homer E. Losey
A. Roy Copeland	B. C. Holbrook	A. L. Love
Marvin Cornett	Benton Howard	Pearl McKinney

Ed Marcum	James T. Philpott	Robt. J. Spaulding
C. C. May	J. Gip Prather	E. A. Spencer
Johnston Miller	L. W. Preston	Arthur Stallard
Harry L. Moore	Kleber F. Price	Geo. W. Steinford
Herbert V. Moore	Edw. P. Prichard	Joe Stewart
J. Lee Moore	James E. Quill	Thos. M. Swope
L. D. Moore	C. R. Reeves	H. Thieman, Jr.
W. B. Moser	L. Allen Rhoads	Otis C. Thomas
C. Sid Nabb	H. G. Royalty	E. B. Thompson
Coy C. Nevitt	Amos Runyon	John L. Trumbo
Jno. C. Newcomb	Carl Scheben	S. J. Wagner
Joe E. Nunn	F. W. Schuhmann	Harry F. Walters
H. C. Patterson	Leon J. Shaikun	R. E. West
Chester Peterson	Jno. W. Simmons	Taylor Witt
Albert W. Pfeiffer	Faust Y. Simpson	
Sylvester Phillips	George T. Smith	—88

Resolved that the title thereof be as aforesaid.

Mr. Peterson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 105. An Act pertaining to institutions for children in counties having therein a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 201.030 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

(1) Upon appointment of the members, the board shall organize and elect officers. At the time of organization and annually thereafter, the board shall elect a chairman from its members.

(2) The board may select a superintendent for the home, and may fix his compensation in addition to maintenance for himself and his immediate family. The superintendent shall live at the home and serve at the pleasure of the board.

(3) The board may authorize the employment of other officers and employes necessary to carry on the work of the board and of the home, and shall fix their compensation at sums not exceeding the salary of the superintendent. The superintendent may employ and discharge the officers and employes of the institution, except parole officers.

Section 2. Section 201.180 of the Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

(1) The fiscal year shall begin on the first day of July in each year and end on June 30 next following. During the month of May of each year the board shall prepare and certify two financial statements to the fiscal court and the city legislative body.

(2) One statement shall show the amount of money that the board estimates will be needed for the ensuing fiscal year for expenditure under KRS 201.160, and set forth in detail the sums needed for the different branches or departments of the expenditure. This statement shall also show the estimated balances which will be on hand at close of business June 30 of that year and available for expenditure during the next succeeding fiscal year under KRS 201.160, and shall indicate as nearly as possible any additional funds or assets, other than those derived from taxes, that will become available for expenditure during said fiscal year.

(3) The other statement shall set forth the estimated balances, inventories, funds, assets and expenditures under KRS 201.170, in the same manner and detail as is required in the statement described in subsection (2).

(4) The board shall also, upon request, furnish the fiscal court and city legislative body with any other information which it is possible for the board to furnish.

Section 3. Should any section, sub-section, paragraph, sentence, clause, or phrase, of this act be declared unconstitutional or invalid, for any reason, the remainder of this act shall not be affected thereby.

Mr. Pfeiffer moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Jno. W. Burkhart	Marvin Cornett
Henry Arrowood	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	C. D. Call	John P. Craig
W. G. Biggers	Fred Carpenter	Fred Creasey
Isaac Blevins	Willis Champion	Thos. S. Dawson
Douglas T. Bolling	Jno. H. Clarke, Jr.	Adron Doran
J. C. Bradley	A. Roy Copeland	J. R. Dorman

Bernie S. Edlin	C. C. May	Amos Runyon
Franklin Goins	Johnston Miller	Carl Scheben
J. D. Gross	Harry L. Moore	F. W. Schuhmann
R. M. Hall	Herbert V. Moore	Leon J. Shaikun
Jas. P. Hallahan	J. Lee Moore	Jno. W. Simmons
Claude Hammons	L. D. Moore	Faust Y. Simpson
B. C. Holbrook	W. B. Moser	George T. Smith
Benton Howard	C. Sid Nabb	Robt. J. Spaulding
Clyde S. Howard	Coy C. Nevitt	E. A. Spencer
Jerry F. Howell	Jno. C. Newcomb	Arthur Stallard
J. J. Huff	Joe E. Nunn	Geo. W. Steinford
W. H. Hunt	H. C. Patterson	Thos. M. Swope
Lee Johnson	Chester Peterson	C. W. Taylor
Paul S. Jonas	Albert W. Pfeiffer	Egbert V. Taylor
Wm. E. Justice	Sylvester Phillips	Roy L. Taylor
H. Clay Kauffman	James T. Philpott	H. Thieman, Jr.
M. Kavanaugh	L. W. Preston	Otis C. Thomas
G. M. Knuckles	Kleber F. Price	E. B. Thompson
J. T. Linton	Edw. P. Prichard	John L. Trumbo
Homer E. Losey	James E. Quill	S. J. Wagner
A. L. Love	C. R. Reeves	Harry F. Walters
Pearl McKinney	L. Allen Rhoads	R. E. West
Ed Marcum	H. G. Royalty	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Pfeiffer moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 57. An Act to limit the hours of duty for firemen in cities of second class.

Mr. Wagner moved the immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 120. An Act validating acts done and action taken by certain cities under an erroneous classification.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The General Assembly finds as a fact that the cities of Benton, Marshall County, Corydon, Henderson County, Southgate, Campbell County, and Springfield, Washington County, which were classified as cities of the fifth class prior to the enactment of Chapter 177 of the Acts of 1942, were inadvertently omitted from the classification of cities of the fifth class made by said Act of 1942, and that it was not the intent of the General Assembly to reclassify such cities. Therefore, any act done or action taken by such cities, after the effective date of Chapter 177 of the Acts of 1942, under the statutes relating to cities of the fifth class, and in the belief of the city authorities that such cities were cities of the fifth class, is hereby validated the same as if such cities were, at the time, cities of the fifth class.

Mr. Love moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	B. C. Holbrook	Coy C. Nevitt
Henry Arrowood	Benton Howard	Jno. C. Newcomb
F. H. Bassett, Jr.	Clyde S. Howard	Joe E. Nunn
W. G. Biggers	Jerry F. Howell	H. C. Patterson
Isaac Blevins	J. J. Huff	Albert W. Pfeiffer
Douglas T. Bolling	W. H. Hunt	Sylvester Phillips
J. C. Bradley	Lee Johnson	James T. Philpott
Jno. W. Burkhart	Paul S. Jonas	J. Gip Prather
Chas. W. Burnley	Wm. E. Justice	L. W. Preston
C. D. Call	H. Clay Kauffman	Kleber F. Price
Fred Carpenter	M. Kavanaugh	Edw. P. Prichard
Willis Champion	G. M. Knuckles	James E. Quill
Jno. H. Clarke, Jr.	J. T. Linton	C. R. Reeves
A. Roy Copeland	Homer E. Losey	L. Allen Rhoads
Marvin Cornett	A. L. Love	H. G. Royalty
John Henry Cox	Pearl McKinney	Amos Runyon
John P. Craig	Ed Marcum	Carl Scheben
Fred Creasey	C. C. May	F. W. Schuhmann
Adron Doran	Johnston Miller	Leon J. Shaikun
J. R. Dorman	Harry L. Moore	Jno. W. Simmons
Bernie S. Edlin	Herbert V. Moore	Faust Y. Simpson
J. D. Gross	J. Lee Moore	George T. Smith
R. M. Hall	L. D. Moore	Robt. J. Spaulding
Jas. P. Hallahan	W. B. Moser	E. A. Spencer
Claude Hammons	C. Sid Nabb	Arthur Stallard

Geo. W. Steinford	H. Thieman, Jr.	S. J. Wagner
Joe Stewart	Otis C. Thomas	Harry F. Walters
C. W. Taylor	E. B. Thompson	R. E. West
Egbert V. Taylor	John L. Trumbo	Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Love moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 93. An Act revising certain salaries of deputy county clerks.

Mr. Jonas moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 94. An Act to amend Kentucky Statutes, relating to compensation for commissioners serving in fiscal courts.

Mr. Jonas moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 29. An Act relating to the employment by the state government of persons who have served or who shall hereafter serve in Armed Forces of the United States.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Any person who has heretofore entered, or shall hereafter enter service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, shall upon being discharged from such service, be forthwith re-employed in the same position in which he was employed at the time he entered service, or if such position no longer exists, in a position of equal class and compensation rate. Upon being so re-employed, such person shall not be discharged, except for cause, for a period of time equal to the time such person served in the Armed Forces of the United States. If more than one person has entered the Armed Forces from the same position in any agency or department of the State Government, and each of such persons desires re-employment in such position, the one with seniority in time of service shall be re-employed in such position and the other shall be employed in a position of equal class and compensation rate.

(2) Any person entitled to re-employment under the provisions of this section who, upon application, is not re-employed as required by this section or who is discharged without cause during the period he is entitled to remain in such position under this section, shall have a civil cause of action for damages against the officer having the power of appointment to such position, and in addition have a cause

of action against the Commonwealth, and the consent of the Commonwealth is hereby given to suit against the Commonwealth by such person in the Circuit Court of Franklin County. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to re-employment under this section, who fails, upon due application, to make such re-employment, shall be fined not less than Five Hundred Dollars nor more than Ten Thousand Dollars.

(3) This section is not intended to require the re-employment of any person unless such person makes application for re-employment within three months after his discharge from service in the Armed Forces nor unless such person is physically able to perform the duties of the position in which he seeks re-employment.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. G. Biggers	J. C. Bradley
Henry Arrowood	Isaac Blevins	Jno. W. Burkhart
F. H. Bassett, Jr.	Douglas T. Bolling	C. D. Call

Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Harry W. Ennis
Franklin Goins
J. D. Gross
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
G. M. Knuckles
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 74. An Act relating to licenses for operators of motor vehicles.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.410 of the Kentucky Revised Statutes is amended to read as follows:

Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost $1.25, of which twenty-five cents shall be retained by the circuit court clerk as compensation for his services in indexing the records of operators' licenses issued in his county as provided in KRS 186.495, and of which fifteen cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640. Five cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and expenses of administering KRS 186.400 to 186.640, and the remaining eighty cents and other monies not otherwise distributed, derived from the provisions of KRS 186.400 to 186.640, shall be paid into the State Treasury.

§ 2. A new section of the statutes is created, to be numbered KRS 186.495, and to read as follows:

The circuit clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses have

been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of each of such persons. Such index shall at all times be available for inspection by the State Highway Patrol and other officers charged with the duty of enforcing highway laws.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 186.410 of the Kentucky Revised Statutes is amended to read as follows:

Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost $1.00, of which ten cents shall be retained by the circuit court clerk as compensation for his services in indexing the records of operators' licenses issued in his county as provided in KRS 186.495, and of which fifteen cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640. Five cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and expenses of administering KRS 186.400 to 186.640, and the remaining seventy cents and other monies not otherwise distributed, derived from the provisions of KRS 186.400 to 186.640, shall be paid into the State Treasury.

§ 2. A new section of the statutes is created, to be numbered KRS 186.495, and to read as follows:

The circuit clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses have been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of

each of such persons. Such index shall at all times be available for inspection by the State Highway Patrol and other officers charged with the duty of enforcing highway laws.

Mr. Kauffman moved the Previous Question.

There upon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	J. D. Gross
Henry Arrowood	Marvin Cornett	R. M. (Coke) Hall
F. H. Bassett, Jr.	John Henry Cox	Jas. P. Hallahan
W. G. Biggers	John P. Craig	Claude Hammons
Isaac Blevins	Fred Creasey	B. C. Holbrook
Jno. W. Burkhart	Adron Doran	Benton Howard
Chas. W. Burnley	J. R. Dorman	Clyde S. Howard
C. D. Call	T. H. Dyer	J. J. Huff
Fred Carpenter	Bernie S. Edlin	W. H. Hunt
Willis Champion	Harry W. Ennis	Lee Johnson
Jno. H. Clarke, Jr.	Franklin Goins	Paul S. Jonas

Wm. E. Justice	H. C. Patterson	George T. Smith
H. Clay Kauffman	Chester Peterson	Robt. J. Spaulding
M. Kavanaugh	Albert W. Pfeiffer	E. A. Spencer
G. M. Knuckles	Sylvester Phillips	Arthur Stallard
J. T. Linton	James T. Philpott	Geo. W. Steinford
Homer E. Losey	J. Gip Prather	Joe Stewart
A. L. Love	L. W. Preston	Thos. M. Swope
Pearl McKinney	Kleber F. Price	C. W. Taylor
Ed Marcum	Edw. P. Prichard	Egbert V. Taylor
C. C. May	James E. Quill	Roy L. Taylor
Johnston Miller	C. R. Reeves	H. Thieman, Jr.
Harry L. Moore	L. Allen Rhoads	Otis C. Thomas
Herbert V. Moore	H. G. Royalty	E. B. Thompson
L. D. Moore	Amos Runyon	John L. Trumbo
W. B. Moser	Carl Scheben	Harry F. Walters
C. Sid Nabb	F. W. Schuhmann	R. E. West
Coy C. Nevitt	Leon J. Shaikun	Taylor Witt
Jno. C. Newcomb	Jno. W. Simmons	
Joe E. Nunn	Faust Y. Simpson	

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Resolved that the title thereof be as amended.

Mr. Kauffman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide 90% of the excise tax paid on refund gasoline.

With a Committee amendment thereto by way of Substitute therefor.

Mr. Love moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration a resolution heretofore reported to this House, entitled:

S. Res. 16. Resolution directing the Commissioner of Finance to provide committee rooms for 1946 session of General Assembly.

(For resolution see Journal of today ante)

Said resolution was then concurred in.

Mr. Roy Taylor moved that the Rules of this House be suspended for the purpose of permitting Standing Committees to report.

Said motion was agreed to.

Thereupon Mr. Burnley of the Committee on Ways and Means to which the same had been referred, reported a resolution entitled:

S. Res. 19. Resolution memorializing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

With the expression of opinion that said resolution ought to pass.

Said resolution was read at length the first time and ordered to be placed on the Calendar.

By Mr. Roy Taylor of the Committee on Insurance, Fire & Marine, Life & Casualty.

H. B. 131. An Act to amend Sec. 298.030 KRS to permit any company authorized by law to engage in the business of insurance, etc.

H. B. 132. An Act relating to insurance.

H. B. 133. An Act relating to types of insurance.

H. B. 134. An Act relating to types of insurance.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

Without objection, the following bills were introduced, viz.:

By Mr. Clarke.

H. B. 189. An Act relating to appointment of a collector of dog licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 258.370 be amended and re-enacted, so that same, as amended and re-enacted, shall read as follows:

Section 258.370. The fiscal court of a county containing a city of the second or third class, upon written request from the sheriff and county tax commissioner of the county, may appoint a collector of dog licenses.

By Mr. Copeland.

H. B. 190. An Act relating to probate law and procedure.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Notice to Creditors; Publication.* At least once each month and not more than once each week, the clerk of each county court shall cause to be published in a newspaper having general circulation in the county a notice containing all of the appointments of administrators and executors made during the previous month, or since the last preceding publication, which shall be substantially as follows:
"Notice to Creditors. Administration has been granted by the county court upon the following estates:

....., deceased,

....., Administrator or Executor,

Address .....

All persons having claims against said estates are notified to present them to the Administrator or Executor, verified according to law, not later than ..... (Said date to be fixed by the clerk as three months after the publication of the notice.)"

The actual cost of such notice or the proportionate part thereof, if it contains more than one appointment, shall be

charged to each fiduciary by the clerk as costs. The court may in its discretion dispense with such publication when the gross assets of an estate are insufficient to pay preferred claims. The court may also dispense with publication in cases where the gross assets of an estate, including real and personal property, do not exceed $500.00 in value, in which case the fiduciary, within one month after his appointment, shall be required to post three written notices in prominent places, including the courthouse of the county of his appointment, setting forth the fact of his appointment and notifying creditors of the decedent to present their claims to him by a designated date, which shall be three months after the date on which the notices are posted.

§ 2. Sections 386.080, 395.200, 395.210 and 396.120 of the Kentucky Revised Statutes, relating to sales of personal property of decedents, are repealed, and in lieu thereof is enacted the following:

Sale of Personal Property. (1) At any time after the appointment of a fiduciary, whenever it shall be necessary to secure authority to sell personal property belonging to an estate, the county court, when satisfied that it would be for the best interests of the estate, may authorize such fiduciary to sell, at public or private sale, at a fixed price or for the best price obtainable, and for cash or on such terms as the court may determine, any part or all of the personal property belonging to the estate, including divident-paying and interest-bearing securities, except:

(a) Such tangible personal property as has been set apart to the surviving spouse as exempt.

(b) Property specifically bequeathed, when sale of such property is not necessary for the payment of debts, provided that such property may be sold with the consent of the person entitled thereto.

(c) Property as to which distribution in kind has been demanded prior to the sale by the surviving spouse or other beneficiary entitled to such distribution in kind, or property which the court may determine to be suitable for distribution in kind.

(d) Property, the sale of which is contrary to the wish of the testator, as shown by his will, unless the court finds that the sale is necessary to pay debts, funeral and burial expenses, and costs of administration, or that the retention of it will probably cause great loss to the estate.

(2) If the court directs any of such personal property to be sold at public sale, the court shall direct the nature and extent of the advertising of such sale. Nothing herein shall limit or qualify the powers granted by will to executors and trustees.

§ 3. Section 387.280 of the Kentucky Revised Statutes is amended to read as follows:

Amounts of $100.00 or Less Due to Persons under Disability. When ever a person under a disability having no guardian or committee is entitled to receive a sum not exceeding $100.00, exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the person having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under obligation as trustee to expend it for the support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of the real

property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

§ 4. Section 395.001 of the Kentucky Revised Statutes is amended to read as follows:

Definition of Fiduciary. The term "fiduciary" as used in Kentucky Revised Statutes 25.175, 25.195, 25.200, 25.205, 395.005, 395.105, 395.145, 395.200, 395.255 and 395.990 means any person, association, or corporation (other than assignee or trustee for an insolvent debtor or a guardian under the Uniform Veterans' Guardianship Act) appointed by, or under the control of, or accountable to, the county court, including executors, administrators, administrators with the will annexed, testamentary trustees, curators, guardians and committees.

By Messrs. Quill, Bolling, Howard, L. D. Moore, Scheben and Love.

H. B. 191. An Act relating to classification of cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 81.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

Cities are classified as follows:

(1) First class:
Louisville, Jefferson County

(2) Second class:

Ashland, Boyd County
Covington, Kenton County
Lexington, Fayette County
Newport, Campbell County
Owensboro, Daviess County
Paducah, McCracken County

(3) Third class:

Bowling Green, Warren County
Corbin, Whitley and Knox Counties
Frankfort, Franklin County
Henderson, Henderson County
Hopkinsville, Christian County
Maysville, Mason County
Middlesboro, Bell County

(4) Fourth class:

Barbourville, Knox County
Bellevue, Campbell County
Carrollton, Carroll County
Catlettsburg, Boyd County
Central City, Muhlenberg County
Cynthiana, Harrison County
Danville, Boyle County
Dayton, Campbell County
Earlington, Hopkins County
Elizabethtown, Hardin County
Fort Thomas, Campbell County
Franklin, Simpson County
Fulton, Fulton County
Georgetown, Scott County
Greenville, Muhlenberg County
Harlan, Harlan County
Harrodsburg, Mercer County
Hazard, Perry County

Hickman, Fulton County
Irvine, Estill County
Jackson, Breathitt County
Lawrenceburg, Anderson County
Lebanon, Marion County
Ludlow, Kenton County
Madisonville, Hopkins County
Marion, Crittenden County
Mayfield, Graves County
Morganfield, Union County
Mount Sterling, Montgomery County
Murray, Calloway County
Nicholasville, Jessamine County
Olive Hill, Carter County
Paintsville, Johnson County
Paris, Bourbon County
Pikeville, Pike County
Pineville, Bell County
Prestonsburg, Floyd County
Princeton, Caldwell County
Providence, Webster County
Richmond, Madison County
Russell, Greenup County
Russellville, Logan County
Scottsville, Allen County
Shelbyville, Shelby County
Somerset, Pulaski County
Sturgis, Union County
Versailles, Woodford County
Williamsburg, Whitley County
Winchester, Clark County

(5) Fifth class:

Albany, Clinton County
Augusta, Bracken County
Bardstown, Nelson County

Bardwell, Carlisle County
Beattyville, Lee County
Beaver Dam, Ohio County
Benton, Marshall County
Berea, Madison County
Brooksville, Bracken County
Burkesville, Cumberland County
Burnside, Pulaski County
Cadiz, Trigg County
Calhoun, McLean County
Campbellsville, Taylor County
Carlisle, Nicholas County
Clay, Webster County
Clinton, Hickman County
Cloverport, Breckinridge County
Columbia, Adair County
Columbus, Hickman County
Corydon, Henderson County
Cumberland, Harlan County
Dawson Springs, Hopkins County
Drakesboro, Muhlenberg County
Eddyville, Lyon County
Elkhorn City, Pike County
Elkton, Todd County
Eminence, Henry County
Evarts, Harlan County
Falmouth, Pendleton County
Flemingsburg, Fleming County
Glasgow, Barren County
Grand River, Livingston County
Grayson, Carter County
Greenup, Greenup County
Guthrie, Todd County
Hartford, Ohio County
Hawesville, Hancock County
Hellier, Pike County

Horse Cave, Hart County
Hustonville, Lincoln County
La Grange, Oldham County
Lancaster, Garrard County
Leitchfield, Grayson County
Livermore, McLean County
London, Laurel County
Louisa, Lawrence County
Manchester, Clay County
Midway, Woodford County
Millersburg, Bourbon County
Monticello, Wayne County
Morehead, Rowan County
Morton's Gap, Hopkins County
Neon, Letcher County
Nortonsville, Hopkins County
Owenton, Owen County
Owingsville, Bath County
Park Hills, Kenton County
Perryville, Boyle County
Raceland, Greenup County
Ravenna, Estill County
Salyersville, Magoffin County
Sebree, Webster County
Shively, Jefferson County
Southgate, Campbell County
Springfield, Washington County
Stanford, Lincoln County
Tompkinsville, Monroe County
Uniontown, Union County
Vanceburg, Lewis County
Vine Grove, Hardin County
Warsaw, Gallatin County
Whitesburg, Letcher County
Wickliffe, Gallard County

Wilmore, Jessamine County
Williamstown, Grant County

(6) All other incorporated cities belong to the sixth class.

By Mr. Arrowood.

H. B. 192. An Act amending KRS relating to fines and punishment for publishers advertising lotteries, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 436.420, pertaining to the advertising of lotteries in newspapers and magazines and prescribing fine and punishment therefor, be, and the same hereby is, repealed and re-enacted to read as follows:

§ 436.420 KRS (1314; 1316) Advertising lotteries in newspapers and magazines.

(1) The publisher or owner of any newspaper, magazine, sheet or periodical published and circulated in this state which prints or publishes, any advertisement of any lottery, drawing or scheme of chance or any announcement indicating where any ticket or chance thereon can be procured, or which prints, advertises, circulates or publishes any matter, announcement or statement in anywise concerning any lottery, drawing or scheme of chance, whether it is an advertisement of a lottery, drawing or scheme of chance that will occur in the future, that has occurred in the past or that it is usual or customary to hold at any given time, and whether the lottery, drawing or scheme of chance is held in this state or elsewhere, or which prints, advertises, circu-

lates or publishes any announcement or statement of the result, in whole or in part, of any lottery, drawing or scheme of chance, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than thirty nor more than sixty days, *provided, however, that newspaper advertisements of bingo, drawings and other schemes of chance given for and managed by religious, charitable, and eleemosynary organizations and institutions, and by organizations of war veterans and volunteer fire departments, and by lodges for bingoes given in the lodge home, shall not come within the purview of this statute, and the publication of advertisements therefor is permissible.*

(2) If a newspaper, magazine, sheet or periodical which prints or publishes matter prohibited by subsection (1) of this section is owned by a corporation, the corporation shall be fined as provided in subsection (1) of this section, and either the president or the managing officers of the corporation, or both, shall be imprisoned as provided by subsection (1) of this section in the case of an individual.

By Mr. Anderson.

H. B. 193. An Act relating to military forces of this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Adequate provisions shall be made by the Governor and the Adjutant General to permit the enlistment and induction of able-bodied citizens of each and all racial groups in this state into any and all branches and departments of the Kentucky National Guard, Kentucky Active Militia, and of any other military forces which may be now or hereafter organ-

ized to defend and enforce the law of this state, to the end that each and all racial groups in this state shall be entitled to that representation in each branch or department of the military forces which is at least proportionate to said group of the population of the state. The Governor and the Adjutant General shall provide for the organization, maintenance and discipline of separate companies, battalions or other units for each racial group.

Ordered that said bills be printed and referred

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 31, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	C. D. Call	Fred Creasey
Henry Arrowood	Fred Carpenter	Thos. S. Dawson
F. H. Bassett, Jr.	Willis Champion	Adron Doran
W. G. Biggers	Jno. H. Clarke, Jr.	J. R. Dorman
Isaac Blevins	A. Roy Copeland	T. H. Dyer
Douglas T. Bolling	Marvin Cornett	Bernie S. Edlin
J. C. Bradley	John Henry Cox	Harry W. Ennis
Chas. W. Burnley	John P. Craig	Dr. J. C. Gabbard

Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body entitled:

S. B. 43. An Act prohibiting the purchase of its own shares by a fiduciary bank or trust company.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No bank or trust company empowered to act as a fiduciary under the laws of this State, shall purchase shares of its own capital stock or shares of the capital stock of an affiliated institution as an investment for any estate or trust under its management, unless expressly authorized so to do by the instrument creating the estate or trust, or unless acquired through the exercise of rights issued in respect to stock originally received; provided however, if shares of its own capital stock or shares of the capital stock of an affiliated institution are received by any such bank or trust company direct from the testator or donor, as an original investment in an estate or trust, the fact that they are shares in the fiduciary institution, or an affiliate thereof, shall not, of itself, be sufficient to cause them to be considered improper investments, regardless of the number of said shares or value thereof, but said shares together with any additional shares subsequently acquired through the exercise of rights issued in respect thereto shall be regarded as proper trust investments in the hands of such fiduciary bank or trust company, if they would be so regarded if held by an individual acting in such fiduciary capacity.

S. B. 44. An Act relating to trusts and trustees and providing for the release of powers exercisable by deed, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"Any power which is exercisable by deed, by will, by deed or will, or otherwise, whether general or special, other than a power in trust which is imperative, is releasable by written

instrument signed by the donee of the power and delivered as hereinafter provided. A power which is releasable may be released with respect to the whole or any part of the property subject to such power and may also be released in such manner as to reduce or limit the persons or objects, or classes of persons or objects, in whose favor such power would otherwise be exercisable. No release of a power shall be deemed to make imperative a power which was not imperative prior to such release, unless the instrument of release expressly so provides.

"Such release may be delivered to any of the following: (a) any person specified for such purpose in the instrument creating the power; (b) any trustee of the property to which the power relates; (c) any person, other than the donee of the power, who could be adversely affected by an exercise of the power; or (d) the recorder of deeds of the county in which the donee of the power resides or has a place of business, or in which the deed, will or other instrument creating the power is recorded, for recording in the office of such recorder."

S. Res. 14. Resolution authorizing Joe Nickell and Myrtle Nickell to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Joe Nickell and Myrtle Nickell are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Wolfe Circuit Court for damages resulting from injury caused to lands owned by them in Wolfe County, Kentucky, caused by alleged negligence upon the part of the Commonwealth of Kentucky and the Department of Highways of Kentucky, while their employees were building, constructing and maintaining a State Highway and culvert

under the same on Route No. 191 leading from Stillwater Creek to Hazel Green in Wolfe County, Kentucky, and to Cannel City in Morgan County, Kentucky, and while said employees were engaged in the line of duty as employees of this Commonwealth and its Department of Highways.

Said suit shall not be for a sum in excess of $1,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or it's Department of Highways and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. 15. Resolution authorizing Charles Jarboe to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Charles Jarboe is authorized to sue the Commonwealth of Kentucky and the State Highway Commissioner, either or both in the Breckinridge Circuit Court for damages

resulting from personal injuries caused by the alleged negligence on the part of the State of Kentucky and the Highway Commissioner thereof, their agents, servants and employees while in line of duty as such employees of this Commonwealth.

Said suit shall be for a sum not in excess of $3,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deem it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 11. Resolution authorizing A. B. Campbell to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That A. B. Campbell is hereby authorized and permitted to sue the Commonwealth of Kentucky, and the State Highway Department of Kentucky, both or either of them, in the

Circuit Court of Breathitt County, Kentucky, for such damages as he suffered by reason of personal injury or injuries, and also damages to his truck, brought about through the alleged carelessness and negligence of the State Highway Department of Kentucky, its agents or employes. In the event any judgment is recovered by A. B. Campbell in any such suit or suits for personal injuries or property damage or the same is compromised or settled the same shall be paid by the Commissioner of Finance by warrant or warrants drawn on the State Treasury and paid out of the Highway Fund.

Anything contained in this resolution shall not be considered by either the Court or jury as substantive evidence on the merits of the alleged claim and the Court shall instruct the jury that the resolution authorizing this suit or suits shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies of any liability on the part of the Commonwealth of Kentucky or its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the claimant.

Provided that the amount sued on for personal injuries shall not exceed the sum of $5,000.00 and the amount sued on for property damage shall not exceed the sum of $300.00.

Ordered that said bills and resolutions be printed and referred.

And that they had passed a bill and resolutions which originated in this House entitled:

H. B. 2. An Act relating to public holidays.

H. Res. 5. A Joint Resolution providing allowance for members of the General Assembly.

H. Res. 13. A Joint resolution providing for the purchase of the Kentucky Directory.

Ordered that said bill and resolutions be delivered to the Enrolling Clerk of this House.

Mr. Philpott moved that the Kentucky State Board of Health be directed to disclose to this House the amounts of money spent by the said Board during the past week-end in lobbying activities on behalf of H. B. 130.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Prichard and Wagner, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Clyde S. Howard	Sylvester Phillips
Isaac Blevins	H. Clay Kauffman	James T. Philpott
T. H. Dyer	Johnston Miller	E. A. Spencer
Bernie S. Edlin	Jno. C. Newcomb	Arthur Stallard
J. D. Gross	H. C. Patterson	Joe Stewart
Jas. P. Hallahan	Albert W. Pfeiffer	R. E. West

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Those who voted in the negative were—

Henry Arrowood	Marvin Cornett	Franklin Goins
F. H. Bassett, Jr.	John Henry Cox	R. M. Hall
W. G. Biggers	John P. Craig	Claude Hammons
Douglas T. Bolling	Fred Creasey	B. C. Holbrook
J. C. Bradley	Thos. S. Dawson	Benton Howard
Chas. W. Burnley	Adron Doran	Jerry F. Howell
C. D. Call	J. R. Dorman	J. J. Huff
Fred Carpenter	Harry W. Ennis	W. N. Hughes
Jno. H. Clarke, Jr.	Dr. J. C. Gabbard	Lee Johnson
A. Roy Copeland	Chas. B. Gentry	Paul S. Jonas

Wm. E. Justice	Joe E. Nunn	Leon J. Shaikun
M. Kavanaugh	Chester Peterson	Jno. W. Simmons
J. T. Linton	J. Gip Prather	Faust Y. Simpson
A. L. Love	L. W. Preston	Geo. W. Steinford
Pearl McKinney	Kleber F. Price	C. W. Taylor
Ed Marcum	Edw. P. Prichard	Egbert V. Taylor
C. C. May	C. R. Reeves	Roy L. Taylor
Harry L. Moore	L. Allen Rhoads	H. Thieman, Jr.
J. Lee Moore	H. G. Royalty	Otis C. Thomas
L. D. Moore	Amos Runyon	E. B. Thompson
W. B. Moser	Carl Scheben	John L. Trumbo
C. Sid Nabb	F. W. Schuhmann	Taylor Witt
Coy C. Nevitt	Vernon Seaton	

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Mr. Ennis moved that the Rules of this House be suspended for the purpose of extending privileges of the floor.

Said motion was agreed to.

Thereupon Mr. Ennis moved that the privilege of the floor be extended to the Honorable William Williams of Warren County.

Said motion was agreed to.

Mr. Royalty moved that the privilege of the floor be extended to Colonel Meriwether Smith of the 8th United States Army.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Mr. George S. Clay of Henderson, Kentucky.

Said motion was agreed to.

Mr. Kauffman moved that the privilege of the floor be extended to Mr. Ross Bastin of Garrard County.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House as follows, viz.:

REFERRALS OF BILLS INTRODUCED ON JAN. 28

H. B. 189. Cities of First Class
H. B. 190. Codes of Practice
H. B. 191. Cities of Second Class
H. B. 192. Printing
H. B. 193. Veterans' Legislation
S. B. 37. Constitutional Amendments
S. B. 38. Revenue & Taxation
S. B. 48. Public Health
S. Res. 12. Claims.

The House took up for consideration from the Calendar, bills and resolution entitled:

H. B. 32. An Act relating to revenue and taxation.

H. B. 103. An Act pertaining to registration for elections in cities of the first class.

S. Res. 19. Resolution memoralizing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading of said bills and resolution at length having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

The hour of eight o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 130. An Act relating to local health officers.

With an amendment thereto as offered by Mr. Losey.

(For bill and amendment see House Journal of January 27).

Mr. Rhoads offered the following amendment in lieu of the amendment as offered by Mr. Losey, viz:

Amend H. B. 130 on page 1, section 1, line 13 and 14 by striking out the words "county board of health as approved by the State Board of Health" and inserting in lieu therefor the words "county and state boards of health, to be approved by the fiscal court."

Mr. Hammons moved the Previous Question on said amendment.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said amendment was then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Claude Hammons	Kleber F. Price
F. H. Bassett, Jr.	B. C. Holbrook	Edw. P. Prichard
W. G. Biggers	Benton Howard	James E. Quill
Douglas T. Bolling	Clyde S. Howard	C. R. Reeves
J. C. Bradley	Jerry F. Howell	L. Allen Rhoads
Chas. W. Burnley	J. J. Huff	Wade H. Riley
C. D. Call	W. N. Hughes	H. G. Royalty
Fred Carpenter	Lee Johnson	Amos Runyon
Willis Champion	Paul S. Jonas	Carl Scheben
Jno. H. Clarke, Jr.	Wm. E. Justice	Vernon Seaton
A. Roy Copeland	Homer E. Losey	Leon J. Shaikun
Marvin Cornett	A. L. Love	Jno. W. Simmons
John Henry Cox	Pearl McKinney	Faust Y. Simpson
Fred Creasey	Ed Marcum	E. A. Spencer
Thos. S. Dawson	C. C. May	Geo. W. Steinford
Adron Doran	Harry L. Moore	C. W. Taylor
J. R. Dorman	J. Lee Moore	Egbert V. Taylor
Harry W. Ennis	W. B. Moser	Roy L. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Otis C. Thomas
Chas. B. Gentry	Joe E. Nunn	John L. Trumbo
J. D. Gross	H. C. Patterson	S. J. Wagner
R. M. Hall	J. Gip Prather	Taylor Witt

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Those who voted in the negative were—

Isaac Blevins	Franklin Goins	Johnston Miller
John P. Craig	Jas. P. Hallahan	L. D. Moore
T. H. Dyer	H. Clay Kauffman	Coy C. Nevitt
Bernie S. Edlin	M. Kavanaugh	Jno. C. Newcomb

Chester Peterson	F. W. Schuhmann	H. Thieman, Jr.
Albert W. Pfeiffer	George T. Smith	E. B. Thompson
Sylvester Phillips	Robt. J. Spaulding	Harry F. Walters
James T. Philpott	Arthur Stallard	R. E. West
L. W. Preston	Joe Stewart	

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Resolved that the title thereof be as aforesaid.

Mr. Rhoads moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill entitled:

H. B. 31. An Act appropriating money from the general fund for the fiscal year ending June 30, 1944 supplementing appropriations heretofore made by General Assembly.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon, in open session and in the presence of the House, the Speaker affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

The hour of eight-thirty o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 25. An Act relating to Old Age Assistance.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That any employee of the Commonwealth of Kentucky assigned to the Division of Old Age Assistance, Department of Welfare, who solicits votes, transports voters, or causes voters to be transported, or campaigns in any manner for any candidate for public office, municipal, county, state or national, in any primary, special, or general election, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $500 nor more than $1,000 and confined in the county jail for not less than thirty days nor more than ninety days, and shall be discharged by the Commonwealth of Kentucky and not re-employed in any division of the state government.

(2) No person who solicits votes, transports voters, or causes voters to be transported, or campaigns for any candidate for public office in a municipal, county, state, or national election, whether primary, special or general election,

shall be employed by the Commonwealth of Kentucky and assigned to the Division of Old Age Assistance, Department of Welfare, until the expiration of two years from the date of such election in which such person participated.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any employee of the Commonwealth of Kentucky assigned to the Division of Old Age Assistance, Department of Welfare, who solicits votes, transports voters, or causes voters to be transported, or campaigns in any manner for any candidate for public office, municipal, county, state or national, in any primary, special, or general election, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $50.00 nor more than $200.

Mr. J. Lee Moore moved that said bill be laid on the table.

Said motion was disagreed to.

Mr. Miller moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Claude Hammons	Sylvester Phillips
Henry Arrowood	B. C. Holbrook	James T. Philpott
Isaac Blevins	Benton Howard	J. Gip Prather
Douglas T. Bolling	Clyde S. Howard	L. W. Preston
Chas. W. Burnley	Jerry F. Howell	Kleber F. Price
Fred Carpenter	J. J. Huff	C. R. Reeves
Willis Champion	W. N. Hughes	F. W. Schuhmann
Jno. H. Clarke, Jr.	Lee Johnson	Vernon Seaton
A. Roy Copeland	Paul S. Jonas	Faust Y. Simpson
John Henry Cox	Wm. E. Justice	Robt. J. Spaulding
John P. Craig	H. Clay Kauffman	E. A. Spencer
Fred Creasey	J. T. Linton	Arthur Stallard
Thos. S. Dawson	Homer E. Losey	Thos. M. Swope
Adron Doran	A. L. Love	C. W. Taylor
J. R. Dorman	Pearl McKinney	Egbert V. Taylor
T. H. Dyer	Johnston Miller	H. Thieman, Jr.
Bernie S. Edlin	Harry L. Moore	Otis C. Thomas
Harry W. Ennis	L. D. Moore	E. B. Thompson
Dr. J. C. Gabbard	W. B. Moser	S. J. Wagner
Chas. B. Gentry	Coy C. Nevitt	R. E. West
Franklin Goins	Joe E. Nunn	Taylor Witt
J. D. Gross	H. C. Patterson	
Jas. P. Hallahan	Albert W. Pfeiffer	

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Those who voted in the negative were—

F. H. Bassett, Jr.	M. Kavanaugh	Chester Peterson
W. G. Biggers	Ed Marcum	Edw. P. Prichard
C. D. Call	J. Lee Moore	James E. Quill
Marvin Cornett	C. Sid Nabb	L. Allen Rhoads
R. M. Hall	Jno. C. Newcomb	Wade H. Riley

Carl Scheben	George T. Smith	Roy L. Taylor
Leon J. Shaikun	Geo. W. Steinford	John L. Trumbo
Jno. W. Simmons	Joe Stewart	Harry F. Walters

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Mr. Rhoads offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 25 by adding thereto: "This bill to be known as the Johnston-Miller Bill."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Miller moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 57. An Act to amend Sec. 95.500 KRS to limit the number of hours the firemen of cities of the second class shall be required to be on duty.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 95.500 Kentucky Revised Statutes 1942 shall be amended and reenacted so that when amended and reenacted it shall read as follows:

95.500. CHIEF OF FIRE DEPARTMENT; DUTIES; POWERS, FIREMEN; HOURS OF VACATIONS: CITIES OF SECOND CLASS.

(1) The chief of the fire department in cities of the second class shall be present at all fires and investigate their cause. He may examine witnesses, compel the production of testimony, administer oaths, make arrests, and enter any building for the purpose of examination that, in his opinion, is in danger from fires. He shall report his proceedings to the city legislative body when required.

(2) The chief shall direct and control the operations of the members of the fire department in the discharge of their duties. He shall have access to and use of all cisterns, fireplugs, the waters of the waterworks and the cisterns of private persons, for the purpose of extinguishing fires. He shall have the right to examine all cisterns, and all plugs and pipes of the waterworks, to see that they are in condition for use in case of fire. He shall have control of all buildings, hose, engines and other equipment provided for the fire department. He shall perform such other duties as the city legislative body shall, by ordinance, prescribe.

(3) The fire department of each second class city shall be divided into not less than two platoons, one of which platoons shall be on duty at a time but neither platoon shall be on duty more than twenty-four consecutive hours, except in cases of extraordinary emergency, after which the platoon serving twenty-four hours shall be allowed to remain off duty for at least twenty-four consecutive hours. Each individual member of the platoons in addition to receiving a minimum of twenty-four hours off duty in each period of forty-eight hours shall receive an additional period of twenty-four consecutive hours off duty in each period of fourteen days. The chief of the fire department shall arrange the schedule of working hours to comply with the provisions of this section.

(4) In each city of the second class all employees of the

fire department shall be given not less than two weeks leave of absence annually, with full pay.

Mr. Wagner offered the following amendment to said bill, viz.:

Amend H. B. 57 on page 2 by adding a new section to be known as Section 5:

Because of the war manpower shortage, this Act will not become effective until six months after the National Emergency has ceased to exist.

Said amendment was agreed to.

Mr. Wagner moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	J. C. Bradley	Jno. H. Clarke, Jr.
Henry Arrowood	Chas. W. Burnley	A. Roy Copeland
F. H. Bassett, Jr.	C. D. Call	John Henry Cox
Isaac Blevins	Fred Carpenter	John P. Craig
Douglas T. Bolling	Willis Champion	Fred Creasey

Thos. S. Dawson
Adron Doran
J. R. Dorman
T. H. Dyer
Bernie S. Edlin
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
W. N. Hughes
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt

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Resolved that the title thereof be as aforesaid.

Mr. Wagner moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the following bills and resolution were introduced, viz.:

By Mr. Shaikun.

H. B. 194. An Act to amend Sec. 132.630 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 132.630 Kentucky Revised Statutes 1942 (1st Edition) and especially Section 2 thereof be amended to read as follows:

(1) The county tax commissioner in counties containing a city of the first class shall annually, in January, report to the Department of Finance under oath the amount received by him on account of his official duties or position from all sources during the preceding year, and the amount paid out by him for deputies or assistants, giving the amounts paid to each and for expenses of his office. If it appears from this statement that he received as compensation on account of his office, from all sources, more than five thousand dollars after the payment of his deputies and assistants and all the expenses of his office, he shall, with such statement, pay to the Department of Finance the amount so received in excess of five thousand dollars.

(2) The annual salary of the deputy county tax commissioners, appraisers, transfer clerk and draftsmen shall be fixed by the County Judge by an order entered of record. The salary of the Chief Deputy shall not exceed three thousand three hundred dollars per annum, that of the first three deputies shall not exceed two thousand seven hundred and fifty dollars per annum, that of six appraisers shall not exceed two thousand five hundred dollars per annum, that of the other deputies and draftsmen shall not exceed two thousand two hundred dollars per annum, and that of the transfer clerk

shall not exceed one thousand two hundred dollars per annum. The total amount allowed for salaries for the county tax commissioner, his deputies and appraisers, draftsmen and transfer clerk, and all other expenses of the office including transportation expense for himself and deputies, shall not exceed in the aggregate the compensation allowed by KRS 132.590. A copy of the order of the County Judge fixing the salaries, as well as a copy of any change made therein, shall be filed with the Department of Revenue by the County Clerk, when made.

By Mr. Scheben.

H. B. 195. An Act relating to offenses against morality.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person over the age of seventeen years who willfully takes indecent or improper liberties with the body of a person of the opposite sex under eighteen years of age, with or without the consent of the latter, or who willfully exposes his person in an obscene or indecent manner to any other person of the opposite sex under eighteen years of age, shall be fined not more than five hundred dollars, or imprisoned for not more than twelve months, or both so fined and imprisoned.

By Mr. Shaikun.

H. B. 196. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every employer who has elected to operate under this chapter shall, immediately upon employing any person, tender to such person a register in which the employe shall sign one or the other of the following notices:

(a) "I hereby agree with (name of employer) to accept the provisions of the Kentucky Workmen's Compensation Law (KRS Chapter 342)."

(b) "I hereby decline to accept the provisions of the Kentucky Workmen's Compensation Law (KRS Chapter 342) in my employment by (name of employer)."

(2) If the employe signs the notice set forth in paragraph (a) of subsection (1) of this section, his signature shall be effective as an election by him to operate under this chapter, beginning as of the date of his employment. If the employe signs the notice set forth in paragraph (b) of subsection (1) of this section, his signature shall be effective as an election not to operate under this chapter from and including the date of signing, which shall be inserted opposite the signature. If the employe does not sign either notice, whether because the register was not tendered to him for signing or for any other reason, such employe shall be conclusively deemed to have accepted the provisions of this chapter beginning as of the date of his employment. In case an employe is unable to write, his mark shall be witnessed by a third person, who shall at the time read the notice to the employe. Any number of employes may sign the same notice, if there is conspicuously written or printed at the top of the page on which the signatures appear a copy of the respective form of notice. If the employment of a person who has signed the notice set forth in paragraph (b) of subsection (1) of this section is at any time suspended for less than one year, such original declina-

tion of acceptance by the employe shall continue effective in subsequent employment under the same employer, unless withdrawn in the manner provided for in KRS 342.405.

§ 2. Section 342.405 of the Kentucky Revised Statutes is amended to read as follows:

At any time after electing to operate under this chapter, the employer may withdraw such election by filing written notice with the board stating the date when such withdrawal is effective, and the industry, business or operation covered thereby, by personal written notice to the employe, or posting in conspicuous places about such place of business, not less than one week next preceding the date on which the withdrawal is to become effective, copies of the notice. An employe who has not signed either of the notices provided for in KRS 342.395 may withdraw his implied acceptance of the provisions of this chapter at any time by signing the notice provided for in paragraph (b) of subsection (1) of KRS 342.395, putting after his signature the date thereof. An employe who has signed the notice provided for in paragraph (a) of subsection (1) of KRS 342.395 may at any time withdraw such election to operate under this chapter by signing the notice set forth in paragraph (b) of said subsection, putting after his signature the date thereof. An employe who has signed the notice provided for in paragraph (b) of subsection (1) of KRS 342.395 may at any time elect to operate under this chapter by signing the notice set forth in paragraph (a) of subsection (1) of KRS 342.395, putting after his signature the date thereof. The filing or signing of any such notice shall not be effective to change the status of the parties as to any injury sustained less than one week after the notice is filed or signed, or as to any injury sustained before the notice is filed or signed. An employer, while operating under this chapter, shall at all times keep posted in conspicuous places about his place of business, notices to that effect, in the form prescribed by the board.

By Mr. Cornett.

H. B. 197. An Act relating to registration of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When registering a voter, the county clerk, or in cities of the first class, the board of registration commissioners, shall inquire of the voter as to whether he has been registered as a voter in any other county or city of the first class in this state. If the voter has been so registered, the clerk or board shall obtain from the voter the name of the county or city in which the voter was registered, and shall forthwith mail a notice to the county clerk of the county or the board of registration commissioners of the city where such voter was registered, notifying such clerk or board of the fact and date of the voter's subsequent registration, and upon receipt of such notice the board or clerk shall forthwith cancel the registration of such voter. For sending the notice required by this section, the county clerk shall be entitled to a fee of five cents for each notice, to be paid by the county.

By Mr. Cornett.

H. B. 198. An Act relating to the rights, property and powers of married women.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 404.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

(2) A married woman's estate shall be liable for her debts and responsibilities, whether contracted before or after marriage.

§ 2. Section 404.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A married woman may acquire and hold property, real and personal, by gift, devise or descent, or by purchase, and may, in her own name, as if she were unmarried, sell and dispose of her personal property. She may make contracts, and sue and be sued, as a single woman. She may rent out her real estate, and collect, receive and recover in her own name the rents thereof, and make contracts for the improvement thereof.

(2) A gift, transfer or assignment of personal property between husband and wife shall not be valid as to third persons, unless it is in writing, and acknowledged and recorded as chattel mortgages are required to be acknowledged and recorded; but the recording of any such writing shall not make valid any such gift, transfer or assignment that is fraudulent or voidable as to creditors or purchasers.

By Mr. Patterson.

H. B. 199. An Act relating to the operation of games of chance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to open, cause to be opened, carry on, conduct or operate as owner, proprietor or employe any gambling device or game of chance within the confines of the grounds of the Kentucky State Fair. Any person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense. Each day in which a gambling device or game of chance is so operated shall be considered a separate offense.

§ 2. Section 247.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the State Fair Grounds, but the board shall not allow the operation of any gambling device or game of chance therein. It may delegate such control to any of its employes or agents, or to an executive committee.

(2) The State Fair Board shall have a prior lien upon the property of any concessionaire, exhibitor or person, immediately upon its coming or being brought on the grounds, to secure existing or future indebtedness.

(3) Any designated employe or agent of the State Fair Board may sell the property to satisfy the indebtedness, after giving ten days' notice to the owner or agent of the owner or, if notice cannot be given to the owner, after a notice is posted for ten days in the office of the State Fair Board on the grounds, announcing that the property is to be sold. The State Fair Board, through its designated agent, may bid and buy in the property offered for sale for the use and benefit of the State Fair.

By Mr. Egbert V. Taylor.

H. B. 200. An Act empowering the National Park Commission to condemn land for park purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 148.120 of the Kentucky Revised Statutes is amended to read as follows:

Commission may condemn property. (1) The commission may condemn land, caves, cave rights, leasehold interest and other real or personal property interests within areas designated by the United States for park sites. Condemnation proceedings shall be exercised as provided in KRS 416.010 to 416.080. No condemnation proceedings shall impose on the state any liability for which provision has not previously been made. The commission shall also pay the expenses of condemnation proceedings, judgments and awards in condemnation proceedings, and other expenses necessary to acquire property.

(2) The action shall be brought in the county court where the property lies by the Attorney General, and the County Attorney of that county at the direction of the Attorney General shall assist in the prosecution of said action in the county and circuit courts.

(3) It shall not be mandatory for the commission to take the property at the price fixed by the jury or court judgment.

By Mr. Thompson.

H. B. 201. An Act creating a war veterans service commission, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 36.060, Kentucky Revised Statutes. There is hereby created a Commission which shall be known and designated as "the War Veterans Service Commission," and which shall be composed of the Lieutenant Governor, who shall act as Chairman, the State Commanders of the American Legion, the Veterans of Foreign Wars, the United Spanish War Veterans, the Disabled American Veterans, and the Adjutant General, all ex-officio members. The Adjutant General shall exercise general supervision and administration of the work of the Commission. The members of the Commission shall serve without compensation, but shall be reimbursed for necessary travel expense incident to their official duties.

Section 36.061, KRS. There shall be four divisions of the War Veterans Service Commission to be known as

1) American Legion Division
2) Veterans of Foreign Wars Division
3) United Spanish War Veterans Division
4) Disabled American Veterans Division.

The Governor shall appoint a Division head for each of said Divisions from lists of three names submitted by the State Commanders of the respective veterans' organizations represented on the Commission, who shall serve for a term of four years. The Division heads shall serve without compensation, but shall be paid their necessary travel expense incident to their official duties. Upon the recommendation of each Division head, the Adjutant General shall appoint such investigators and clerks as may be necessary to carry on the work of each Division. These investigators and clerks shall be honorably discharged veterans of the war with Spain, or the World

Wars, or the wife, widow, son or daughter of such a veteran, and shall not be required to take a civil service or merit examination. Their compensation shall be such as established by the War Veterans Service Commission, and shall be paid from the funds of the respective Divisions for which they are employed: Each Division shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the State to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the Adjutant General directs.

(A) 'Veterans' and 'ex-service men and women,' as used herein, include any individual who served on active duty in the Army, Navy, or Marine Corps of the United States and who has received an honorable discharge from such service.

Section 36.062, KRS. (a) The Adjutant General shall appoint an Executive Secretary at a salary not to exceed $3,600.00 per annum, who shall perform such duties as are assigned by the Commission, and whose duty it shall be to coordinate the activities of the four Divisions to the end that there shall be no overlapping or duplication of services.

(B) The Attorney General shall, with the approval of the Commission, appoint an Assistant Attorney General whose

sole duty shall be to act as legal counsel for the Commission and for each of the Divisions, to render such services to war veterans as may be directed by the Executive Secretary, and such other services as may be required by the Attorney General. The salary of the Assistant Attorney General shall not exceed $4,000.00 per annum.

(C) The Executive Secretary and Assistant Attorney General shall each be war veterans. Their salaries shall be paid by each Division in proportion to the amount of money appropriated to each of said Divisions.

There is hereby appropriated to the Commission out of public funds not otherwise appropriated the sum of $56,000.00 annually to carry on the work of the Commission and its four sub-divisions, which sum is apportioned and budgeted to each Division as follows:

1) American Legion Division .....$ 30,000.00
2) Veterans of Foreign Wars Division .....$ 20,000.00
3) United Spanish War Veterans Division ....$ 3,000.00
4) Disabled American Veterans Division .....$ 3,000.00

All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Burnley.

H. B. 202. An Act relating to individuals exempt from poll tax.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 142.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) All citizens of this state who are sixty-five years of age or older are exempt from all poll taxes.

(2) Any honorably discharged soldier, sailor or marine who has served ninety days or more in the military or naval forces of the United States, who was a resident of this state at the time of his induction into service, and who is totally disabled as evidenced by pension certificate or award of compensation, is exempt from all poll taxes.

By Messrs. Justice and Runyon.

H. B. 203. An Act relating to the district offices, garages and headquarters of the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every district office, garage and district headquarters established and maintained by the Department of Highways in permanent quarters on December 1, 1943 shall continue to be maintained in such quarters or in such necessary additional quarters as may be required adjacent thereto. No part of any funds appropriated to the Department of Highways shall be expended for the purposes of maintaining district offices, garages, or headquarters at any place other than those places at which such offices, garages and headquarters were maintained on December 1, 1943.

§ 2. Any person who causes or permits the expenditure of money appropriated to the Department of Highways in violation of the provisions of section 1 of this Act shall be fined not less than $50.00 nor more than $500.00.

§ 3. Whereas the present national emergency requires that all funds intended to be used for highway purposes shall

be maintained intact as far as may be possible for the post war construction of highways, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Burnley.

H. B. 204. An Act relating to Game and Fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees for licenses for residents of Kentucky shall be as follows:

(a)	Fishing license	$1.00
(b)	Seining license and one tag for one hundred feet of seine or part thereof	5.25
(c)	Additional tags per one hundred feet of seine or part thereof	2.00
(d)	Hoop net license	1.25
(e)	Each additional hoop net	1.00
(f)	Hunting license	1.00
(g)	Trapping license	1.00
(h)	Fur buyers or dealers	2.00
(i)	Live bait dealers	2.00
(j)	Ferret permit	2.00

§ 2. Subsection (1) of section 150.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county clerk shall retain, of money received for each resident hunting license, each resident fishing license,

each resident trapping license, each nonresident seven-day fishing license, each additional one hundred feet of seine or part thereof, and each additional hoop net license, the sum of fifteen cents; for each seining license and one tag for one hundred feet of seine or part thereof, each hoop net license, and each nonresident season fishing license, the sum of twenty-five cents; and for each nonresident hunting license, each nonresident seining license and one tag for one hundred feet of seine or part of it, and each nonresident trapping license the sum of fifty cents. These fees shall cover the swearing of the applicant to his application, and all other services under this chapter. The county clerk shall pay the balance remaining after deducting his fee, to the State Treasurer, on the first of each month, which amount shall be credited to the Game and Fish Fund. The county clerk shall report to the director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

By Messrs. J. Lee Moore and C. W. Taylor.

H. B. 205. An Act abolishing the Division of Professional Regulation in the Department of Business Regulation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 286.020 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The department shall have and exercise all the administrative functions of the state except as otherwise provided by law in relation to:

(1) The supervision of motor transportation for hire;

(2) The supervision of banks and kindred financial institutions;

(3) The regulation of insurance practices.

§ 2. Section 286.080 of the Kentucky Revised Statutes of 1942 is repealed.

§ 3. Any appropriation made by the present General Assembly for the salary of the secretary and other expenses of operation of the Division of Professional Regulation, by way of assessments against the funds of professional boards, is intended to be repealed by this Act.

By Mr. Dorman.

H. B. 206. An Act relating to the taxation of the shares of stock of corporations.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 136.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) So long as a corporation pays taxes to this state on all of its taxable property in this state, including its corporate franchise when the franchise is required to be assessed, and such property constitutes at least seventy-five percent of the property of the corporation that would be taxable in this state if all of the property of the corporation had a taxable situs in this state, the individual stockholders of the corporation shall not be required to list their shares for taxation. In order to obtain this exemption the stockholder must furnish satisfactory proof to the taxing authorities that the above-prescribed portion of the property of the corporation is taxed in this state.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to

assessment and taxation under subsection (1) of this section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life insurance companies, shall by August 1 of each year make a true and correct report to the Department of Revenue, verified by its president, secretary, treasurer or other chief officer, giving the name and addresses of residents of this state who hold its shares of stock and outstanding bonds as of July 1 previous thereto, and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty days previous to July 1.

§ 2. Whereas the present statute relating to the taxation of corporate stock deters corporations from investing in war bonds, and thereby impedes the war effort, an emergency is declared to exist, and this Act shall take effect upon its approval by the Governor.

By Mr. Bolling.

H. B. 207. An Act to amend Sec. 176.130 of KRS relating to road, highway and bridge contractors and suppliers of materials to the Department of Highways.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 176.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person who seeks to procure, bid upon, or offer to bid upon any contract with the department for the construction or maintenance of any public road or any section thereof, or the furnishing of any materials therefor, before procuring a proposal form or submitting any bid to obtain

such contract, shall procure a certificate of eligibility from the department to bid on such work.

(2) All applications for a certificate of eligibility shall be made to the department in writing, and the department shall act upon the application within thirty days after the application is filed.

(3) A certificate of eligibility is not necessary where the department purchases equipment, material and supplies directly, except in the case of the purchase of crushed stone, sand or gravel in lots of more than one thousand tons, or bituminous materials in tank car lots.

By Mr. Biggers.

H. Res. 31. Joint Resolution for the issual of license to Grover Cleveland Bentley of Pikeville to practice dentistry in Kentucky.

Said resolution is as follows, viz.:

WHEREAS, Grover Cleveland Bentley of Pikeville, Kentucky, in a class of sixty in the Louisville College of Dentistry at the June graduation in 1907, and

WHEREAS, Grover Cleveland Bentley took the examination then prescribed by the State Board of Health and passed the examination, and

WHEREAS, a license was not issued to him to practice the profession of dentistry in the state of Kentucky, by reason of one of the professors of the Louisville College of Dentistry refusing to sign his diploma showing his graduation, and

WHEREAS, the said Grover Cleveland Bentley completed the prescribed courses as provided by law for the

practice of dentistry in June, 1907, and was then, is now a competent dentist, and

WHEREAS, the said Grover Cleveland Bentley has made application for a commission in the United States Armed Forces as a dentist and has all the necessary qualifications required by the Federal Government for a commission in the Medical Corps as a dentist and will be accepted and will serve in said armed forces as a dentist if and when the proper certificate is issued to him by the State Board of Dental Examiners.

Therefore, be it enacted and resolved by the General Assembly of the Commonwealth of Kentucky:

Section One. That the said Grover Cleveland Bentley of Pikeville, Kentucky, be and he is hereby authorized to practice the profession of dentistry in the state of Kentucky, the same as if he had been duly licensed by the State Board of Health and the examining Board for dentists in the year 1907 after his graduation from the Louisville College of Dentistry, and further that the said Grover Cleveland Bentley be entitled to all the privileges of a regular practicing dentist in this Commonwealth, the same as if he had been duly licensed by the State Board of Health and the Examining Board for Dentists at said time.

Section Two. That the State Board of Dental Examiners be, and it is hereby ordered and directed to issue to the said Grover Cleveland Bentley of Pikeville, Kentucky, a license authorizing him to practice dentistry in the state of Kentucky, pursuant to the terms and conditions of this Act and Resolution, and said license so issued will show that it was issued in conformity with and by the authority of this Resolution.

Ordered that said bills and resolution be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 1, 1944.

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson	Bernie S. Edlin	M. Kavanaugh
Henry Arrowood	Harry W. Ennis	J. T. Linton
F. H. Bassett, Jr.	Dr. J. C. Gabbard	Homer E. Losey
W. G. Biggers	Chas. B. Gentry	Pearl McKinney
Isaac Blevins	Franklin Goins	Ed Marcum
Douglas T. Bolling	J. D. Gross	C. C. May
J. C. Bradley	R. M. Hall	Johnston Miller
Chas. W. Burnley	Jas. P. Hallahan	Harry L. Moore
C. D. Call	Claude Hammons	Herbert V. Moore
Fred Carpenter	B. C. Holbrook	J. Lee Moore
Willis Champion	Benton Howard	L. D. Moore
Jno. H. Clarke, Jr.	Clyde S. Howard	W. B. Moser
A. Roy Copeland	Jerry F. Howell	C. Sid Nabb
Marvin Cornett	J. J. Huff	Coy C. Nevitt
John Henry Cox	W. N. Hughes	Jno. C. Newcomb
John P. Craig	W. H. Hunt	Joe E. Nunn
Fred Creasey	Lee Johnson	H. C. Patterson
Thos. S. Dawson	Paul S. Jonas	Chester Peterson
Adron Doran	Wm. E. Justice	Albert W. Pfeiffer
J. R. Dorman	H. Clay Kauffman	Sylvester Phillips

James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. May moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Rhoads moved that a leave of absence be granted to Mr. Burkhart.

Said motion was agreed to.

Mr. Champion moved that a leave of absence be granted to Mr. Knuckles.

Said motion was agreed to.

Mr. West asked the unanimous consent of the House to withdraw a bill entitled:

H. B. 121. An Act prescribing selling charges on leaf tobacco.

Which was introduced by him on January 19 and referred to the Committee on Agriculture No. 1 and No. 2.

And that he be permitted to substitute another bill in its place.

Said motion was agreed to.

The Standing Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Howard of the Committee on Suffrage and Elections, to which the same had been recommitted,

H. B. 37. An Act relating to elections.

With a Committee amendment thereto.

With the expression of opinion that said bill ought to pass.

Ordered that said bill take its place in the Orders of the Day.

By Mr. Scheben of the Committee on Cities of the Second Class.

H. B. 175. An Act relating to civil service for employees of cities.

With a Committee amendment thereto.

H. B. 189. An Act relating to dogs.

H. B. 191. An Act relating to classification of cities.

By Mr. Doran of the Committee on Education No. 1.

H. B. 148. An Act relating to teacher's tenure.

H. B. 171. An Act to appropriate funds for administration of the community school lunch.

H. B. 188. An Act relating to public education.

By Mr. Howard of the Committee on Suffrage and Elections.

H. B. 180. An Act relating to the filing of nomination papers.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 166. An Act relating to parole of prisoners.

With a Committee amendment thereto.

H. B. 135. An Act to amend Kentucky Revised Statutes, Sec. 56.190.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 177. An Act to amend, repeal and reenact subsec. 1 of Sec. 189.990 of KRS, relating to punishment for certain traffic violations.

By Mr. Kauffman of the Committee on Courts.

H. B. 159. An Act relating to marriages.

H. B. 161. An Act relating to probating of wills.

H. B. 160. An Act concerning powers of attorney granted by persons serving in armed forces.

By Mr. Preston of the Committee on Veterans' Legislation.

S. B. 41. An Act relating to appointment by a court of competent jurisdiction of an interim trustee, etc.

H. B. 109. An Act relating to active militia.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 176. An Act relating to filled milk.

By Mr. Preston of the Committee on Veterans' Legislation.

H. B. 153. An Act relating to small firearms.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committees to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

The hour having arrived for the consideration of the Orders of the Day.

Mr. Swope moved that a bill entitled:

H. B. 40. An Act relating to Old Age Assistance.

Be taken from the Clerk's desk and laid on the table.

Said motion was agreed to.

And so said bill was tabled.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 93. An Act to revise certain salaries of deputy county clerks.

Said bill is as follows, viz.:

Be it Amended by the General Assembly of the Commonwealth of Kentucky:

That Section 28.300 of the Kentucky Revised Statutes be repealed, amended and reenacted to read as follows:

Deputy Clerks in counties containing a population of 75,000 or more.

(1) In each County containing a population of 75,000 or more, the number of deputies allowed to Circuit Clerks and County Clerks, and the compensation allowed to each deputy, shall be fixed as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the order book of the Circuit Court and County Court, and signed by a majority of the judges of said Courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) In Counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy circuit clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 per annum, and the salaries of the other deputy circuit court clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties having a population of 200,000 or over the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 a year, and the salary of one deputy circuit court clerk who shall act as cashier shall be fixed at a reasonable amount not exceeding $2,500 a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

(3) In counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $3,000 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(5) In counties having a population of 200,000 or over the salaries of the first four deputy county clerks shall be fixed at a reasonable amount not exceeding $3,000 a year and the salary of each of the other deputies in the office of the county clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

Mr. Steinford offered the following amendment to said bill, viz.:

Amend H. B. 93 by striking therefrom the enacting clause and inserting in lieu therefor the following:

Be It Enacted by the General Assembly of the Commonwealth of Kentucky.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays having been taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Dr. J. C. Gabbard	Pearl McKinney
Henry Arrowood	Chas. B. Gentry	Ed Marcum
F. H. Bassett, Jr.	Franklin Goins	C. C. May
W. G. Biggers	J. D. Gross	Johnston Miller
Isaac Blevins	R. M. Hall	Harry L. Moore
Douglas T. Bolling	Jas. P. Hallahan	Herbert V. Moore
Chas. W. Burnley	Claude Hammons	J. Lee Moore
C. D. Call	Benton Howard	W. B. Moser
Fred Carpenter	Clyde S. Howard	C. Sid Nabb
Willis Champion	Jerry F. Howell	Jno. C. Newcomb
Jno. H. Clarke, Jr.	J. J. Huff	Joe E. Nunn
A. Roy Copeland	W. N. Hughes	H. C. Patterson
Marvin Cornett	W. H. Hunt	Chester Peterson
John Henry Cox	Lee Johnson	Albert W. Pfeiffer
John P. Craig	Paul S. Jonas	Sylvester Phillips
Fred Creasey	Wm. E. Justice	James T. Philpott
Thos. S. Dawson	M. Kavanaugh	J. Gip Prather
Adron Doran	J. T. Linton	L. W. Preston
Bernie S. Edlin	Homer E. Losey	Edw. P. Prichard
Harry W. Ennis	A. L. Love	James E. Quill

C. R. Reeves	Faust Y. Simpson	H. Thieman, Jr.
L. Allen Rhoads	George T. Smith	Otis C. Thomas
Wade H. Riley	Robt. J. Spaulding	E. B. Thompson
H. G. Royalty	Arthur Stallard	John L. Trumbo
Amos Runyon	Geo. W. Steinford	S. J. Wagner
Carl Scheben	Joe Stewart	Harry F. Walters
F. W. Schuhmann	Thos. M. Swope	R. E. West
Vernon Seaton	C. W. Taylor	Taylor Witt
Leon J. Shaikun	Egbert V. Taylor	
Jno. W. Simmons	Roy L. Taylor	—88

There voted in the negative—

J. R. Dorman —1

Mr. Steinford offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 93 by striking therefrom the title and inserting in lieu therefor the following title:

An Act relating to the number and compensation of deputies of circuit court clerks and county court clerks containing a population of 75,000 or more.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Steinford moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 55. An Act to amend and re-enact Sec. 431.130 KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 431.130, Kentucky Revised Statutes, be amended and re-enacted so that when so amended and re-enacted it shall read as follows:

A jury by whom an offender is tried in any Court of this Commonwealth shall fix by its verdict a punishment to be inflicted within the periods or amounts prescribed by law. Prisoners sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is a fine or imprisonment in the jail of the county, or both, the imprisonment shall be close confinement in the jail of the county where the trial was held, unless otherwise provided. The prisoner shall also be confined in the county jail until the costs are paid, unless otherwise provided. In any jurisdiction where there is a county workhouse the Court may in its discretion confine the prisoner to the county workhouse instead of the county jail.

S. B. 21. An Act amending Sec. 42.140 KRS relating to state employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 42.140, Kentucky Revised Statutes, be and the same hereby is amended by repealing said section in its entirety and re-enacting it so that as re-enacted, it shall read as follows, to-wit:

Except as hereinafter in this Act provided, the appointing officer of each State agency may remove any subordinate officer or employee under his jurisdiction and upon so doing, he shall forthwith notify the Division of Personnel Efficiency.

If a subordinate officer or employee so removed requests it in writing, the officer who removed him shall file with the Division a statement, stating the reasons for his removal, which statement shall be open to public inspection.

No Department, agency, division, independent agency, or the Head thereof, without the written consent of the employee, shall remove, discharge, transfer, or reduce the compensation of any employee under his jurisdiction, if such employee be the wife or mother of a person serving in the United States Army or United States Navy, or in any branch of the Armed Services of the United States of America; nor shall any such person be removed, discharged, transferred, or their compensation reduced until (12) months after such son, daughter, or husband, as the case may be, shall have been discharged from the United States Army, United States Navy, or other Armed Services of the United States of America, except for

(a) inefficiency;

(b) and willful neglect or failure to perform the duties of her employment; or

(c) indictment and conviction on a charge involving moral turpitude.

Any employee who is discharged, removed, transferred or whose compensation is reduced shall have the right to appeal to the Circuit Court of the County in which the employee resides or to the Circuit Court of the County in which the duties of the employment were being performed, to have determined the sufficiency of the grounds for such discharge, removal, transfer, or reduction in compensation; and each such appeal shall have precedence over all other cases in such Court; and the sufficiency of the charges or grounds for discharge, removal, transfer, or reduction in compensation shall be determined de novo on such appeal in the Circuit Court, and the appellant shall have the right to a determination thereof by a jury. Either party shall have the right to appeal from the

judgment of the Circuit Court to the Court of Appeals, in the same manner as other appeals are prosecuted to the Court of Appeals in civil cases, except that the right of appeal shall not be limited by the amount of compensation involved.

The terms "Department," "agency," "division," "employee," and "independent agency," as used in this Act, shall be construed as defined by Section 12.010, Kentucky Revised Statutes.

WHEREAS, the United States of America is now engaged in the greatest military conflict in the history of the World; and

WHEREAS, large numbers of Kentucky boys and girls are now serving in the United States Army and Navy, and other military forces of the United States of America, both in training in this Country and on foreign battlefields; and

WHEREAS, they are risking their lives for their Country; and

WHEREAS, many of them have wives and mothers who have passed the Personnel Examinations required by law for State employment and are now employed in the various branches of State service in the Government of Kentucky; and

WHEREAS, the Kentuckians who are so serving their Country in the Armed Forces of the United States are entitled to be relieved of anxiety about the financial support of their wives and mothers now employed in the various Departments and agencies of the State Government of Kentucky; and

WHEREAS, the number of employees within the aforesaid classification is relatively small when compared to the total number of State employees; and

WHEREAS, it is the judgment of the General Assembly that such employees should be made secure in their positions by law, and there is now no law providing such security; and

WHEREAS, the security provided by this Act will relieve many now in the Armed Services of anxiety and worry about the security of their wives and mothers who now have State employment in Kentucky,

NOW, THEREFORE, an emergency hereby is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bills be printed and referred.

And that they had passed a bill which originated in this House entitled:

H. B. 9. An Act appropriating money out of the General Fund for the purpose of supplementing the salaries of teachers in common schools.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 94. An Act to amend Sec. 67.110 KRS.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Each county commissioner serving on a fiscal court shall be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first or second class, a salary of Three Thousand Dollars ($3,000.00) per annum, payable monthly.

(b) In other counties, the same compensation per day as justices of the peace receive under subsections (2) and (3) of this section.

(2) Each justice of the peace serving on a fiscal court shall be paid for his services out of the county treasury six dollars for each day of actual attendance of the meetings of the fiscal court.

(3) County commissioners or justices of the peace shall not receive any other compensation for their services, or any compensation for serving on committees of the fiscal court, except that in counties where the fiscal court controls and supervises the county roads through a committee of its members the justices of the peace serving on that committee shall be paid out of the county treasury six dollars for each day of actual service.

Said Committee amendment is as follows, viz.:

Amend H. B. 94 on page 1, section 1, line 1 after the word "court" by removing the word "shall" and adding in lieu therefor the word "may"

Said amendment was agreed to.

Mr. Jonas offered the following amendment to said bill, viz.:

1. Amend H. B. 94 by striking the enacting clause therefrom and inserting the following:

Be It Enacted by the General Assembly of the Commonwealth of Kentucky:

2. Amend H. B. 94 by adding after the enacting clause the following Section:

1. Section 67.110 of the Kentucky Revised Statutes s amended to read as follows, viz.:

Said amendments were agreed to.

Mr. Jonas moved the Previous Question.

Thereupon the Speaker announced: "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	Franklin Goins
Henry Arrowood	Marvin Cornett	J. D. Gross
F. H. Bassett, Jr.	John Henry Cox	R. M. Hall
W. G. Biggers	John P. Craig	Jas. P. Hallahan
Isaac Blevins	Fred Creasey	Claude Hammons
Douglas T. Bolling	Thos. S. Dawson	B. C. Holbrook
J. C. Bradley	Adron Doran	Benton Howard
Chas. W. Burnley	J. R. Dorman	Clyde S. Howard
C. D. Call	T. H. Dyer	Jerry F. Howell
Fred Carpenter	Bernie S. Edlin	J. J. Huff
Willis Champion	Harry W. Ennis	W. N. Hughes
Jno. H. Clarke, Jr.	Dr. J. C. Gabbard	W. H. Hunt

Lee Johnson	H. C. Patterson	Faust Y. Simpson
Paul S. Jonas	Chester Peterson	George T. Smith
H. Clay Kauffman	Albert W. Pfeiffer	Robt. J. Spaulding
M. Kavanaugh	Sylvester Phillips	E. A. Spencer
J. T. Linton	James T. Philpott	Arthur Stallard
Homer E. Losey	J. Gip Prather	Geo. W. Steinford
A. L. Love	L. W. Preston	Thos. M. Swope
Pearl McKinney	Kleber F. Price	C. W. Taylor
Ed Marcum	Edw. P. Prichard	Egbert V. Taylor
C. C. May	James E. Quill	Roy L. Taylor
Johnston Miller	C. R. Reeves	H. Thieman, Jr.
Harry L. Moore	L. Allen Rhoads	Otis C. Thomas
Herbert V. Moore	Wade H. Riley	E. B. Thompson
J. Lee Moore	H. G. Royalty	John L. Trumbo
L. D. Moore	Amos Runyon	S. J. Wagner
W. B. Moser	Carl Scheben	Harry F. Walters
C. Sid Nabb	F. W. Schuhmann	R. E. West
Coy C. Nevitt	Vernon Seaton	Taylor Witt
Jno. C. Newcomb	Leon J. Shaikun	
Joe E. Nunn	Jno. W. Simmons	—94

Mr. Jonas offered the following amendment to the title of said bill:

Amend H. B. 94 by striking the title therefrom and inserting in lieu therefor the following title, viz.:

An Act to amend section 67.110 of the Kentucky Revised Statutes, relating to the compensation of justices and commissioners for serving on fiscal courts and committees thereof.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Jonas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide 90% of Kentucky excise tax paid on refund gasoline, etc.

Mr. Love moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, viz.:

H. B. 24. An Act amending and re-enacting KRS 179.420 relating to plans of Department of Highways, etc.

With an amendment thereto by way of Substitute therefor, as previously adopted by the House.

(For H. B. 24 and Substitute see House Journal of January 26)

Mr. J. Lee Moore moved that the vote by which said substitute was adopted, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. J. Lee Moore offered the following amendments to said substitute, viz.:

1. Amend the Substitute to H. B. 24 on page 2 after line 29 by adding the following subsection:

(3) If, in the opinion of the fiscal court of a county, the Department of Highways has arbitrarily refused to agree to

or approve a plan for the construction and maintenance of the county roads of that county, the fiscal court may appeal to the judge of the circuit court of the county, either in or out of term. The appeal shall be taken by presenting to the circuit judge a written statement of the arbitrary act of the Department of Highways complained of, and the grounds of the complaint. Before the appeal is taken, written notice shall be given to the Department of Highways, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give the department reasonable opportunity to be present at such time and place. The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented, and his decision shall be final.

2. Amend the Substitute for H. B. 24 on page 2, line 23 by inserting therein, after the comma following the word "plan" the following:

"and same has not been adjudicated as provided in subsection 2 of this Act,"

Said amendments were each agreed to.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now announced?"

Which was decided in the affirmative.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	W. H. Hunt	C. R. Reeves
Henry Arrowood	Lee Johnson	L. Allen Rhoads
W. G. Biggers	Paul S. Jonas	Wade H. Riley
Isaac Blevins	Wm. E. Justice	H. G. Royalty
Douglas T. Bolling	H. Clay Kauffman	Amos Runyon
C. D. Call	M. Kavanaugh	Carl Scheben
Fred Carpenter	Homer E. Losey	F. W. Schuhmann
Willis Champion	Pearl McKinney	Vernon Seaton
Jno. H. Clarke, Jr.	Ed Marcum	Leon J. Shaikun
A. Roy Copeland	C. C. May	Jno. W. Simmons
Marvin Cornett	Johnston Miller	Faust Y. Simpson
John P. Craig	Harry L. Moore	George T. Smith
Thos. S. Dawson	Herbert V. Moore	Robt. J. Spaulding
Adron Doran	J. Lee Moore	E. A. Spencer
J. R. Dorman	L. D. Moore	Arthur Stallard
T. H. Dyer	W. B. Moser	Geo. W. Steinford
Bernie S. Edlin	C. Sid Nabb	Joe Stewart
Harry W. Ennis	Coy C. Nevitt	Thos. M. Swope
Dr. J. C. Gabbard	Jno. C. Newcomb	C. W. Taylor
Chas. B. Gentry	Joe E. Nunn	Egbert V. Taylor
J. D. Gross	Chester Peterson	H. Thieman, Jr.
Jas. P. Hallahan	Albert W. Pfeiffer	Otis C. Thomas
Claude Hammons	Sylvester Phillips	E. B. Thompson
B. C. Holbrook	James T. Philpott	John L. Trumbo
Benton Howard	J. Gip Prather	S. J. Wagner
Clyde S. Howard	L. W. Preston	Harry F. Walters
Jerry F. Howell	Kleber F. Price	R. E. West
J. J. Huff	Edw. P. Prichard	Taylor Witt
W. N. Hughes	James E. Quill	

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Those who voted in the negative were—

F. H. Bassett, Jr.	R. M. Hall	Roy L. Taylor	
J. C. Bradley	J. T. Linton		
Chas. W. Burnley	A. L. Love		—7

Resolved that the title thereof be as amended.

Mr. J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 64. An Act relating to public utility companies' service bills.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No public utility engaged in the business of supplying gas, water or electricity to the public in this state shall impose any penalty for non-payment of service bills until thirty days after issual and deposit of such bills in the mails properly addressed and stamped, or their actual delivery to the customer. No penalty for non-payment of such service bills of more than six per cent (6%) of the total bill shall be imposed. No trick, device or subterfuge in the way of pretended discounts for prompt payment shall be permitted to evade the provisions of this section.

§ 2. Any public utility violating the provisions of section one of this Act shall be fined ten dollars for each service bill so collected.

Mr. Hammons offered the following amendment to said bill, viz.:

Amend H. B. 64 by adding Section 3 to read as follows:

That this Act shall not apply to cities owning and operating a municipal plant.

Said amendment was agreed to.

Mr. Kauffman offered the following amendment to said bill, viz.:

Amend H. B. 64 on page 1, section 1, line 3 by striking the words "thirty days" and inserting in lieu thereof the words "fifteen days"

Mr. Simpson moved that said amendment be laid on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Hammons and Simpson, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	T. H. Dyer	Johnston Miller
F. H. Bassett, Jr.	Harry W. Ennis	J. Lee Moore
W. G. Biggers	Dr. J. C. Gabbard	L. D. Moore
J. C. Bradley	Franklin Goins	W. B. Moser
Chas. W. Burnley	Benton Howard	C. Sid Nabb
C. D. Call	Jerry F. Howell	Joe E. Nunn
Fred Carpenter	J. J. Huff	H. C. Patterson
Jno. H. Clarke, Jr.	W. N. Hughes	J. Gip Prather
Marvin Cornett	Paul S. Jonas	Kleber F. Price
John Henry Cox	M. Kavanaugh	Edw. P. Prichard
John P. Craig	J. T. Linton	James E. Quill
Thos. S. Dawson	A. L. Love	C. R. Reeves
Adron Doran	C. C. May	L. Allen Rhoads

H. G. Royalty	Faust Y. Simpson	Roy L. Taylor
Amos Runyon	George T. Smith	Otis C. Thomas
Carl Scheben	Arthur Stallard	Harry F. Walters
Vernon Seaton	Geo. W. Steinford	—50

Those who voted in the negative were—

Chas. W. Anderson	Homer E. Losey	Leon J. Shaikun
Isaac Blevins	Pearl McKinney	Jno. W. Simmons
Douglas T. Bolling	Ed Marcum	Robt. J. Spaulding
Willis Champion	Harry L. Moore	E. A. Spencer
A. Roy Copeland	Herbert V. Moore	Joe Stewart
J. R. Dorman	Coy C. Nevitt	Thos. M. Swope
Bernie S. Edlin	Jno. C. Newcomb	C. W. Taylor
Chas. B. Gentry	Albert W. Pfeiffer	Egbert V. Taylor
R. M. Hall	Sylvester Phillips	H. Thieman, Jr.
Jas. P. Hallahan	James T. Philpott	E. B. Thompson
Clyde S. Howard	L. W. Preston	John L. Trumbo
Lee Johnson	Wade H. Riley	R. E. West
H. Clay Kauffman	F. W. Schuhmann	Taylor Witt

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And so said bill was tabled.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill and resolution entitled:

H. Res. 5. Resolution appropriating money for the members of the General Assembly.

H. B. 9. An Act appropriating money out of the General Fund to supplement teachers' salaries.

Thereupon all other business was suspended, said bill and resolution were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill and resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill and resolution duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 113. An Act relating to marriage licenses.

Mr. Hammons moved that said bill be laid on the table.

Said motion was agreed to.

And so said bill was tabled.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 145. An Act amending and reenacting Sec. 28.310 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 28.310 of Kentucky Revised Statutes, 1942 Edition, as revised by the Statutes Revision Commission, be amended and reenacted so that said section as amended and reenacted shall read as follows:

28.310 *Deputy County Clerks in Certain Counties Containing a City of the Second-Class; Salary of Clerk.* In each county in this state having a population of less than seventy-five thousand and an assessed valuation of more than one hundred million and containing a city of the second class, the clerk of the county court shall have the right to appoint such deputies as may be necessary for the proper conduct of his office. The number appointed shall be approved by the fiscal court. The salaries of said deputy county clerks shall be fixed by the fiscal court of the county and shall be payable out of the county levies in equal monthly installments. The salary of the clerk shall be paid in the same manner. Provided that the salary of the chief deputy clerk shall not exceed $3,600 per annum. The second and third deputies shall not exceed $3,000 per annum and the salary of no other deputy shall exceed $2,400 per annum.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	A. Roy Copeland	Dr. J. C. Gabbard
Henry Arrowood	Marvin Cornett	Franklin Goins
F. H. Bassett, Jr.	John Henry Cox	J. D. Gross
W. G. Biggers	John P. Craig	R. M. Hall
Isaac Blevins	Fred Creasey	Jas. P. Hallahan
Douglas T. Bolling	Thos. S. Dawson	Claude Hammons
C. D. Call	Adron Doran	Benton Howard
Fred Carpenter	J. R. Dorman	Jerry F. Howell
Willis Champion	T. H. Dyer	J. J. Huff
Jno. H. Clarke, Jr.	Bernie S. Edlin	W. N. Hughes

W. H. Hunt	Jno. C. Newcomb	Vernon Seaton
Lee Johnson	Joe E. Nunn	Leon J. Shaikun
Paul S. Jonas	H. C. Patterson	Faust Y. Simpson
H. Clay Kauffman	Chester Peterson	George T. Smith
M. Kavanaugh	Albert W. Pfeiffer	E. A. Spencer
J. T. Linton	Sylvester Phillips	Arthur Stallard
Homer E. Losey	James T. Philpott	Geo. W. Steinford
A. L. Love	J. Gip Prather	Joe Stewart
Pearl McKinney	L. W. Preston	Thos. M. Swope
C. C. May	Kleber F. Price	C. W. Taylor
Johnston Miller	Edw. P. Prichard	Egbert V. Taylor
Harry L. Moore	C. R. Reeves	Roy L. Taylor
Herbert V. Moore	L. Allen Rhoads	H. Thieman, Jr.
J. Lee Moore	H. G. Royalty	E. B. Thompson
L. D. Moore	Amos Runyon	John L. Trumbo
C. Sid Nabb	Carl Scheben	R. E. West
Coy C. Nevitt	F. W. Schuhmann	Taylor Witt

—81

There voted in the negative—

Chas. B. Gentry —1

Resolved that the title thereof be aforesaid.

Mr. Dorman moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 147. An Act to provide for tuberculosis sanitaria.

Mr. Hammons moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 129. An Act providing for compensation of attorneys appointed to defend poor persons in criminal prosecutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each attorney appointed by a circuit court to act as counsel for a defendant in a criminal prosecution in a circuit court shall be paid a fee deemed reasonable by the court, but in no case less than ten dollars, out of the State Treasury, for each such case in which he acts as counsel during the trial. Each new trial shall be considered as a separate case. The court that appoints the attorney shall, after the trial, enter an order allowing the attorney his fee.

§ 2. The fees allowed attorneys under Section 1 of this Act shall be paid out of the General Fund on presentation to the Department of Finance of a certified copy of the order of the circuit court allowing the fee. There is appropriated out of the General Fund, for the fiscal years 1944-1945 and 1945-1946, a sufficient sum to pay the allowances provided for by this Act. The Department of Finance is authorized to establish a separate account for the purposes of this Act and allocate to such account such amount as may reasonably be anticipated to be required for the purpose.

Mr. Rhoads offered the following amendment to said bill, viz.:

Amend H. B. 129 on page 1, Section 1, line 7 after the word "fee" at the end of line 7 by adding the following: "but in no case shall more than one counsel be appointed in any single case, except those cases where capital punishment

is involved, and in capital punishment cases the number of counsel appointed shall be in the discretion of the Circuit Judge not to exceed three in number."

Said amendment was agreed to.

Mr. Rhoads moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. J. Lee Moore moved that said bill be laid on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. J. Lee Moore and Rhoads, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Clyde S. Howard	H. C. Patterson
W. G. Biggers	Jerry F. Howell	Chester Peterson
Isaac Blevins	J. J. Huff	L. W. Preston
Douglas T. Bolling	W. H. Hunt	Kleber F. Price
C. D. Call	Lee Johnson	James E. Quill
Fred Carpenter	Paul S. Jonas	C. R. Reeves
Willis Champion	Wm. E. Justice	H. G. Royalty
Marvin Cornett	H. Clay Kauffman	Amos Runyon
John Henry Cox	M. Kavanaugh	Carl Scheben
J. R. Dorman	A. L. Love	F. W. Schuhmann
T. H. Dyer	Johnston Miller	Vernon Seaton
Dr. J. C. Gabbard	Herbert V. Moore	Leon J. Shaikun
Chas. B. Gentry	J. Lee Moore	Jno. W. Simmons
Claude Hammons	L. D. Moore	Faust Y. Simpson
B. C. Holbrook	Coy C. Nevitt	George T. Smith
Benton Howard	Jno. C. Newcomb	Robt. J. Spaulding

Geo. W. Steinford	Roy L. Taylor	R. E. West
Joe Stewart	Otis C. Thomas	Taylor Witt
Egbert V. Taylor	E. B. Thompson	—56

Those who voted in the negative were—

Chas. W. Anderson	W. N. Hughes	J. Gip Prather
Chas. W. Burnley	J. T. Linton	L. Allen Rhoads
Jno. H. Clarke, Jr.	Pearl McKinney	E. A. Spencer
A. Roy Copeland	Harry L. Moore	Arthur Stallard
John P. Craig	C. Sid Nabb	Thos. M. Swope
Bernie S. Edlin	Joe E. Nunn	John L. Trumbo
R. M. Hall	Albert W. Pfeiffer	
Jas. P. Hallahan	James T. Philpott	—22

And so said bill was tabled.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 32. An Act relating to listing property for taxation.

Mr. Howard moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 103. An Act pertaining to registration for elections in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 117.310 Kentucky Revised Statutes 1942 is hereby amended and as amended reads:

117.310 Comparison of voter's signature with registration record; voting record.

(1) Prior to every primary, special, or regular election in a city of the first class, the County Clerk shall have prepared for each precinct of the city a Comparative Signature Book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The County Clerk shall follow the instructions of the Board of Registration Commissioners with respect to the exact form and makeup of the Comparative Signature Books and they shall be furnished and paid for in the same manner as other election paraphernalia. The County Clerk shall deliver the Comparative Signature Books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt therefor. Before a vote is cast by any person, at any primary, special, or regular, election in a city of the first class, he shall sign his name in the Comparative Signature Book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the Comparative Signature Book to the place where the County

Clerk receives other election paraphernalia. The Board of Registration Commissioners shall have at that place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the Comparative Signature Book and secure a receipt therefor. The Board shall retain the Comparative Signature Books for such length of time, not less than six (6) months, as it deems necessary.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the board a record sheet of each person so sworn, showing the disposition made of each case. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Benton Howard	L. W. Preston
Henry Arrowood	Clyde S. Howard	Kleber F. Price
F. H. Bassett, Jr.	Jerry F. Howell	Edw. P. Prichard
W. G. Biggers	J. J. Huff	James E. Quill
Isaac Blevins	W. N. Hughes	C. R. Reeves
Douglas T. Bolling	W. H. Hunt	H. G. Royalty
J. C. Bradley	Lee Johnson	Amos Runyon
Chas. W. Burnley	Paul S. Jonas	Carl Scheben
Fred Carpenter	Wm. E. Justice	F. W. Schuhmann
Willis Champion	H. Clay Kauffman	Vernon Seaton
Jno. H. Clarke, Jr.	M. Kavanaugh	Leon J. Shaikun
A. Roy Copeland	J. T. Linton	Faust Y. Simpson
Marvin Cornett	Homer E. Losey	George T. Smith
John Henry Cox	A. L. Love	Robt. J. Spaulding
John P. Craig	Pearl McKinney	E. A. Spencer
Fred Creasey	C. C. May	Arthur Stallard
Thos. S. Dawson	Johnston Miller	Geo. W. Steinford
Adron Doran	Harry L. Moore	Joe Stewart
J. R. Dorman	Herbert V. Moore	Thos. M. Swope
T. H. Dyer	L. D. Moore	C. W. Taylor
Bernie S. Edlin	W. B. Moser	Egbert V. Taylor
Harry W. Ennis	C. Sid Nabb	Roy L. Taylor
Dr. J. C. Gabbard	Coy C. Nevitt	H. Thieman, Jr.
Chas. B. Gentry	Joe E. Nunn	Otis C. Thomas
Franklin Goins	H. C. Patterson	E. B. Thompson
J. D. Gross	Chester Peterson	John L. Trumbo
R. M. Hall	Albert W. Pfeiffer	Harry F. Walters
Jas. P. Hallahan	Sylvester Phillips	R. E. West
Claude Hammons	James T. Philpott	Taylor Witt
B. C. Holbrook	J. Gip Prather	—89

There voted in the negative—

L. Allen Rhoads —1

Resolved that the title thereof be as aforesaid.

Mr. Shaikun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Linton moved that a bill entitled:

H. B. 42. An Act providing that funds appropriated by the State for the improvement, reconstruction and maintenance of county roads and bridges shall be expended by Department of Highways, etc.

Be recommitted.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 37. An Act to fix the compensation of Judges, clerk and sheriff of election.

With a Committee amendment thereto.

Mr. Huff moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 9. A Joint resolution memorializing Congress to pass a law enabling the ceiling prices on crude petroleum to be increased.

Said resolution was then concurred in.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 26. An Act to amend the Constitution so as to permit persons to vote by filing ballot with county clerk.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That upon concurrence of the three-fifths of all members elected to each House, the Yeas and Nays be taken thereon and entered in full in their respective journals, Section One Hundred and Forty-Seven of the Constitution be, and is amended and revised so it shall read as follows:

The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. When registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited, or any person absent from the county of his legal residence, or from the state, may be permitted to vote in a manner provided by law.

S. B. 31. An Act to amend and reenact Sec. 403.030 KRS relating to the duties of county attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 403.030 Kentucky Revised Statutes be amended and reenacted and when so amended and reenacted will read as follows:

403.030 Proof required for divorce. A petition for divorce shall not be taken for confessed, or be sustained by the admission of the defendant alone, but must be supported by other proof. Two witnesses, or one witness and strong corroborating circumstances, shall be necessary to sustain the charge of adultery or of lewd and lascivious behavior. The credibility or good character of the witness must be personally known to the judge, or personally known to and certified to by the officer taking the deposition, or else it must be proved.

Ordered that said bills be printed and referred.

Without objection, the following bills were introduced, viz.:

By Mr. L. D. Moore.

H. B. 208. An Act to repeal, amend and re-enact Sec. 36.060 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 36.060 Kentucky Revised Statutes, 1942, be and the same is hereby repealed, amended and re-enacted, so that when so amended and re-enacted said section of said Revised Statutes shall read as follows:

(1) The Veterans' Division of the Department of Military Affairs shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the State to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the Adjutant General directs.

(2) 'Veterans' and 'ex-service men and women,' as used in this section, include any individual who served on active duty in the Army, Navy or Marine Corps of the United States and who has received an honorable discharge from such service.

(3) The Adjutant General shall exercise general administration of the work of this Division and shall direct the work in the light of advice from the Kentucky Disabled Ex-Service Men's Board. The Board shall be composed of the Adjutant General of the Commonwealth of Kentucky, the State Commanders of the Spanish American War Veterans, the American Legion, the Veterans of Foreign Wars and Disabled American Veterans, and, on application, the state commander of any organizations which may be formed by veterans of World War II, when such organizations have been nationally recognized. All members shall serve ex-officio. The members of the Board shall serve without compensation, but shall be reimbursed for necessary travel expenses incident to their official duties.

(4) The Attorney General, with the approval of the Adjutant General, shall nominate and assign a regular practicing attorney for the Veterans' Division of the Department of Military Affairs, whose duty will be to handle all legal matters, including the prosecution of all the veterans' claims of the Division, and perform such other duties as directed by the Attorney General. He shall be paid a salary in monthly installments from the regular appropriations of the Veterans' Division, Department of Military Affairs, of not less than Thirty-Six Hundred ($3600.00) Dollars, nor more than Four Thousand ($4000.00) Dollars per year.

By Mr. Reeves.

H. B. 209. An Act relating to county roads and bridges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Highways shall apportion the state appropriation for the improvement, reconstruction and maintenance of county roads and bridges in the following proportions: One-half of the appropriation equally between all the counties; and the remaining one-half between the counties according to the ratio of the square mile area of a county to the square mile area of the state.

§ 2. Section 179.410 of the Kentucky Revised Statutes of 1942 is repealed, and section one of this Act is substituted in lieu thereof.

By Messrs. Scheben and Smith.

H. B. 210. An Act relating to carrying concealed deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 435.230 of the Kentucky Revised Statutes 1942 Edition be repealed, amended and reenacted as amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be fined not more than five hundred dollars, and imprisoned for not less than thirty days nor more than twelve months.

(2) Any person convicted of the offense of carrying concealed on or about his person a deadly weapon shall be disfranchised and excluded from the privilege of suffrage for two years.

(3) Any person convicted a second time under subsection (1) of this section shall be confined in the penitentiary for not less than one nor more than five years.

(4) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their person.

By Mr. Rhoads.

H. B. 211. An Act relating to inquests concerning sanity.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The circuit court of the several counties of this state shall have exclusive jurisdiction of all inquests concerning the condition of the mind or mental faculty of persons. When no circuit court is in session in the county, inquests of insane persons may be held by a judge of a circuit court or by the presiding judge of the county court, but in no case shall an inquest upon an idiot, or a person convicted of crime and confined in the penitentiary or reformatory be held except in the circuit court, and if the inquest is upon a convict it shall only be held at a regular term of said court.

2. Section 202.330 of the Kentucky Revised Statutes is repealed.

Ordered that said bills be referred and printed.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz.:

FEBRUARY 1, 1944

The following House Bills were referred to the following Committees:

House Bill No. 194—Ways & Means
House Bill No. 195—Kentucky Statutes
House Bill No. 196—Compensation for Industrial Injuries
House Bill No. 197—Suffrage and Elections
House Bill No. 198—Kentucky Statutes
House Bill No. 199—State Fair
House Bill No. 200—National Parks

House Bill No. 201—Veterans Legislation
House Bill No. 202—Ways & Means
House Bill No. 203—Ways & Means
House Bill No. 204—Fish & Game
House Bill No. 205—Ways & Means
House Bill No. 206—Revenue & Taxation
House Bill No. 207—Ways & Means
House Resolution No. 31—Public Health
Senate Bill No. 43—Banks & Banking
Senate Bill No. 44—Banks & Banking
Senate Resolution No. 11—Claims
Senate Resolution No. 14—Claims
Senate Resolution No. 15—Claims

The Judicial Council of the Commonwealth of Kentucky sent to the Clerk's Desk the Eighth Biennial Report pursuant to Chapter 20 of the Acts of 1928.

Ordered that said report be referred to the Committee on Judicial Council.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 2, 1944

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Chas. W. Anderson
Henry Arrowood
F. H. Bassett, Jr.
W. G. Biggers
Isaac Blevins
Douglas T. Bolling
J. C. Bradley
Jno. W. Burkhart
Chas. W. Burnley
C. D. Call
Fred Carpenter
Willis Champion
Jno. H. Clarke, Jr.
A. Roy Copeland
Marvin Cornett
John Henry Cox
John P. Craig
Fred Creasey
Thos. S. Dawson
Adron Doran
J. R. Dorman
Bernie S. Edlin
Harry W. Ennis
Dr. J. C. Gabbard
Chas. B. Gentry
Franklin Goins
J. D. Gross
R. M. Hall
Jas. P. Hallahan
Claude Hammons
B. C. Holbrook
Benton Howard
Clyde S. Howard
Jerry F. Howell
J. J. Huff
W. N. Hughes
W. H. Hunt
Lee Johnson
Paul S. Jonas
Wm. E. Justice
H. Clay Kauffman
M. Kavanaugh
J. T. Linton
Homer E. Losey
A. L. Love
Pearl McKinney
Ed Marcum
C. C. May
Johnston Miller
Harry L. Moore
Herbert V. Moore
J. Lee Moore
L. D. Moore
W. B. Moser
C. Sid Nabb
Coy C. Nevitt
Jno. C. Newcomb
Joe E. Nunn
H. C. Patterson
Chester Peterson
Albert W. Pfeiffer
Sylvester Phillips
James T. Philpott
J. Gip Prather
L. W. Preston
Kleber F. Price
Edw. P. Prichard
James E. Quill
C. R. Reeves
L. Allen Rhoads
Wade H. Riley
H. G. Royalty
Amos Runyon
Carl Scheben
F. W. Schuhmann
Vernon Seaton
Leon J. Shaikun
Jno. W. Simmons
Faust Y. Simpson
George T. Smith
Robt. J. Spaulding
E. A. Spencer
Arthur Stallard
Geo. W. Steinford
Joe Stewart
Thos. M. Swope
C. W. Taylor
Egbert V. Taylor
Roy L. Taylor
H. Thieman, Jr.
Otis C. Thomas
E. B. Thompson
John L. Trumbo
S. J. Wagner
Harry F. Walters
R. E. West
Taylor Witt
Speaker Harry Lee Waterfield

Mr. Copeland moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Speaker announced that he had referred bills heretofore introduced or reported to this House as follows, viz.:

COMMITTEE REFERENCES
February 2, 1944.

H. B. 208—Veterans Legislation
H. B. 209—Roads & Highways
H. B. 210—Veterans Legislation
H. B. 211—Courts
S. B. 26—Suffrage & Elections
S. B. 31—Courts
S. B. 55—Courts
S. B. 21—Ways & Means

The Standing Committees of this House to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Goins of the Committee on Trade and Commerce.

H. B. 20. An Act requiring all employers to state specifically the amount and the purpose of any deductions from employee's salaries.

With Committee Amendments thereto.

By Mr. Simmons of the Committee on Library and Historical Records.

H. B. 168. An Act to provide that a copy of the Ten Commandments be placed in each classroom in each school in the Commonwealth.

By Mr. Kauffman of the Committee on Courts.

H. B. 163. An Act relating to acknowledgement of instruments, etc.

H. B. 162. An Act to provide for the appointment of a conservator under certain circumstances.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 202. An Act relating to individuals exempt from poll tax.

H. B. 155. An Act relating to assessment for taxation.

H. Res. 28. Resolution authorizing the binding of four copies of the final issue of the 1944 Legislative Digest.

By Mr. Patterson of the Committee on Constitutional Amendments.

H. B. 4. An Act to provide for an amendment to the Constitution relating to elections.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 139. An Act relating to contract and common carrier by motor vehicle.

H. B. 185. An Act relating to the investment of trust funds.

By Mr. Clarke of the Committee on Codes of Practice.

H. B. 190. An Act relating to probate law and procedure.

With the expression of opinion that said bills ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Clarke of the Committee on Codes of Practice.

H. B. 89. An Act relating to actions for divorce.

H. B. 88. An Act relating to proof required for divorce.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 126. An Act relating to Old Age Assistance.

By Mr. Kauffman of the Committee on Courts.

H. B. 178. An Act to create the office of Assistant Commonwealth's Attorney in Judicial districts having a population of less than two hundred thousand;

H. B. 151. An Act relating to salary, commissions and compensation of Commonwealth's Attorneys.

Without an expression of opinion.

No motion having been made to advance said bills to a reading, it was ordered that said bills be not read at length the first time.

Ordered that said bills be laid on the Clerk's Desk.

By Mr. Clarke of the Committee on Codes of Practice.

H. B. 150. An Act relating to trial of felony cases whereby two or more of defendants are indicted for same offense.

By Mr. Simpson of the Committee on Kentucky Statutes.

H. B. 152. An Act relating to pool rooms.

H. B. 87. An Act relating to public assistance for needy aged, needy blind and dependent children.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 175. An Act relating to civil service for employees of cities.

With a Committee amendment thereto.

H. B. 189. An Act relating to dogs.

H. B. 191. An Act relating to classification of cities.

H. B. 148. An Act relating to teacher's tenure.

H. B. 171. An Act to appropriate funds for administration of the community school lunch.

H. B. 188. An Act relating to public education.

H. B. 180. An Act relating to the filling of nomination papers.

H. B. 166. An Act relating to parole of prisoners.

With a Committee amendment thereto.

H. B. 135. An Act to amend Kentucky Revised Statutes, Sec. 56.190.

H. B. 177. An Act to amend, repeal and reenact subsec. 1 of Sec. 189.990 of KRS, relating to punishment for certain traffic violations.

H. B. 159. An Act relating to marriages.

H. B. 161. An Act relating to probating of wills.

H. B. 160. An Act concerning powers of attorney granted by persons serving in armed forces.

S. B. 41. An Act relating to appointment by a court of competent jurisdiction of an interim trustee, etc.

H. B. 109. An Act relating to active militia.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 13. An Act to provide that 90% of the Kentucky excise tax paid on refund gasoline be refunded to the purchaser who uses gasoline in tractor, etc.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *Definitions.* The term "refund gasoline" as used in this Act, shall mean gasoline, as defined in KRS 138.210, used or to be used in a tractor or stationary engine operated for agricultural purposes. The word "Department" shall mean the Department of Revenue. The word "Commissioner" shall mean the Commissioner of Revenue. The term "fiscal year" shall mean the period of twelve (12) months, beginning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

2. *Refunds Authorized.* Any person who shall buy gasoline for use in a farm tractor or stationary engine on a farm, who has actually used such gasoline for agricultural purposes and who has paid the excise tax thereon imposed by law of this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety per cent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no such tax shall be paid on refund gasoline purchased in quantities of less than ten (10) gallons at any one time.

3. *Seller's Permit.* No seller of refund gasoline shall execute a certificate of purchase, as hereinafter described in Section 7 of this Act, without having first secured a Seller's Permit, as provided in this section. Any seller of gasoline desiring to be qualified to execute such certificates of purchase, shall make application for a Seller's Permit to the Department. Such application shall be accompanied by a filing fee of one dollar ($1.00) and shall be made in a manner and contain such information as may be required by the Department. Such fee shall be transmitted to the State Treas-

urer by the Department, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. Such permit shall be conditioned upon the faithful performance of the provisions of this Act with reference to the sale of refund gasoline. Upon receipt of such application, and a bond, if required, as hereinafter provided in Section 5 of this Act, the Department shall, after such investigation as it deems necessary, issue a permit privileging the applicant and such of his agents as may be duly authorized so to do in accordance with the provisions hereinafter prescribed, to execute certificates with respect to the sale of refund gasoline, as hereinafter provided. Each such permit shall be given a serial number by the Department, and shall expire with the fiscal year for which it is issued. No person shall be repaid excise taxes on any refund gasoline purchased from any person not having a Seller's Permit, as required by this Section.

4. *Purchaser's Permit.* Before any person shall be entitled to make claim for a refund of excise tax under this Act, he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each stationary engine or tractor in which the refund gasoline is to be used, including the make, motor number, model, horse-power, the approximate per hour fuel consumption of the stationary engine or tractor in which refund gasoline is to be used, and such other information as the Department may require. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis

of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's farm or residence. The application shall be accompanied by a filing fee of one dollar (1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has complied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the date submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

5. *Rules Affecting Both A Seller's Permit And A Purchaser's Permit.* The same person shall not be permitted, either directly or indirectly, to hold both a Seller's Permit and a Purchaser's Permit. The Department may, if the ap-

plicant has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to execute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes, penalties, and fines for which such applicant may become liable under this Act. Each Purchaser's Permit and each Seller's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permit issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 14 hereof.

6. *Forms To Be Supplied By Department.* Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 4 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; used or permitted to be used as fuel in other than a stationary engine or tractor used for agricultural purposes; the name and address of the person selling the refund gasoline; the date of the last pur-

chase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount of excise taxes paid thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part thereof has been sold by the applicant or used in any way other than in a stationary engine or tractor operated for agricultural purposes. Said refund application form shall also contain blank spaces for describing the use made of such refund gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State, with a true statement that a duplicate copy of the application for refund has been delivered or properly mailed to said county attorney.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act.

7. *Certificates of Purchase.* The person to whom a purchaser's permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purchase, and shall sign the original and duplicate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by

the purchaser until each copy of the certificate has been fully filled in, nor until after the amount of gasoline stated therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal in writing, and recognized by the Department as evidenced on the permit or an amendment thereto.

8. *Refund Applications.* All applications for refund of excise taxes on refund gasoline under the provisions of this Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed.

Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; provided, that if all refund gasoline purchased as indicated on one certificate of sale is not used during any three (3) months period, the applicant shall not make claim for refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of sale may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

9. *Audits And Investigation Of Refunds.* The Department is hereby authorized and directed to audit the claims

for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of any refund application, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for investigation the matter to the county attorney of the county in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his findings to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used in any method other than in a stationary engine or tractor for agricultural purposes; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the department finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

10. *Refunds To Be Made.* When the Department finds that any refund application has been properly executed and

that the applicant has complied with the requirements of this Act, it shall promptly approve such application, and credit the amount of excise tax which should be paid thereunder to the applicant, and said approved claim for refund shall be paid without interest, as other claims on the State Treasury are paid, from funds allocated by subsection (2) of KRS 47.010, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of refund gasoline covered by any claimant's application during the period covered by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the payment of an approved claim shall not be delayed more than four (4) months.

§ 11. *Records.* Each seller of refund gasoline to whom a seller's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all such gasoline sold by him under certificates of purchase provided for in this Act, and shall give the date of each such sale, the amount of refund gasoline sold, the name of the person to whom sold, and the sale price.

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be

subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

§ 14. *Suspension; Revocation; Criminal Penalties.* (a) It shall be unlawful for any person to make a false or fraudulent statement in an application for a permit, or in a certificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes or to knowingly aid or assist in making any such false or fraudulent statement or claim; or who, having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for any purpose other than in a stationary engine or tractor for agricultural purposes; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The purchaser's permit or the seller's permit of any person who shall violate any provision of paragraph (a) of this section shall be revoked by the Department and may not be reissued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(c) The Purchaser's permit or the seller's permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this section, may

be suspended by the Department for any period in its discretion not exceeding six (6) months.

(d) Any person who shall knowingly violate any provision of this Act, other than those contained in paragraph (a) of this section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding section.

§ 15. *Appeals.* Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated in KRS 131.110 and 131.120, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

§ 16. *Erroneous Refunds.* If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action instituted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such re-

funds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for any purpose other than in a stationary engine or tractor for agricultural purposes, or in any other manner in violation of this Act, he shall become indebted to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section, and for which such seller's bond, if required, shall be surety.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this section, shall be deposited with the State Treasurer and credited to the Highway Fund. Three-fourths (¾) of the twenty per cent (20%) collection penalty provided in this section shall be deposited with the State Treasurer and credited to the Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

§ 17. *Provision for Administration.* The Department is hereby authorized to employ such additional persons, in accordance with the provisions of KRS 42.110 and 42.120, and incur travel, rental, and other current and capital expenses necessary to properly accomplish the purposes of this Act and to protect the gasoline tax revenues of the Commonwealth.

There is hereby established a "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litiga-

tion in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for seller's permit and purchaser's permit.

2. All fines and penalties, except those provided in Section 16 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refunds claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July of each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred therefrom to the Highway Fund for the purpose of the construction, reconstruction maintenance, and repair of roads, highways, and bridges, as provided by subsection (2) of KRS 47.010. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

Whereas, the United States of America is now engaged in a global war, and President F. D. Roosevelt as Com-

mander-in-Chief of the Army and Navy has demanded a maximum production of all farm, livestock, dairy and poultry products in order to maintain the Army and Navy with food, and to supply food to the oppressed nations now under the Axis power as fast as our Armed Forces can liberate them, and

Whereas, farm and livestock producers are in immediate need of tax-free gasoline in order to efficiently and cheaply operate stationary engines and tractors to maintain maximum production in livestock, dairy, poultry and farm products,

An emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions. The term "refund gasoline," as used in this Act, means gasoline, as defined in KRS 138.210, used or to be used for a purpose other than the operation of a vehicle on the public highways. The word "Department" means the Department of Revenue. The word "Commissioner" means the Commissioner of Revenue. The term "fiscal year" means the period of twelve (12) months, beginning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

§ 2. Refunds Authorized. Any person who shall buy gasoline for use for a purpose other than the operation of a vehicle on the public highways, who has actually used such gasoline for such purpose and who, by reason of the addition of the amount of such tax to the delivery price of the gasoline, by the dealer, has paid the excise tax thereon imposed

by law of this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety percent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no tax shall be paid on refund gasoline purchased in quantities of less than fifty (50) gallons at any one time.

§ 3. Purchaser's Permit. Before any person shall be entitled to make claim for a refund of excise tax under this Act, he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each engine or machine in which the refund gasoline is to be used, including the make, motor number, model, horse-power, the approximate per hour fuel consumption of the engine or machine in which refund gasoline is to be used, and such other information as the Department may require. Application for a purchaser's permit shall also contain a description of each additional gasoline-powered vehicle, including passenger cars, trucks, and other vehicles in which gasoline is used upon which no refund is provided under this Act, together with descriptions of each such vehicle, including make, motor number, model, and horsepower. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's residence.

The application shall be accompanied by a filing fee of one dollar ($1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Refund Expense Account," for which provision is hereinafter made in Section 14 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has complied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the data submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

§ 4. Rules Affecting A Purchaser's Permit. The Department may, if the applicant for a purchaser's permit has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to exe-

cute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes and penalties for which such applicant may become liable under this Act. Each Purchaser's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permit issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 14 hereof.

§ 5. Forms To Be Supplied By Department. Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 3 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; that no part thereof will be used or permitted to be used as fuel for the operation of a motor vehicle upon the public highways; the name and address of the person selling the refund gasoline; the date of the last purchase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount

of excise taxes thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part thereof has been sold by the applicant or used for the operation of a motor vehicle upon the public highways. Said refund application form shall also contain blank spaces for describing the use made of such refund gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act.

Each refund application shall also contain blanks for listing the kind and number of gallons of non-refund gasoline purchased during the period covered by the application; the name and address of the person or persons from whom it was purchased, and such other information as the Department may require.

§ 6. Certificates of Purchase. The person to whom a purchaser's permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purchase, and shall sign the original and duplicate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by the purchaser until each copy of the certificate has been fully filled in, nor until after the amount of gasoline stated

therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal.

§ 7. Refund Applications. All applications for refund of excise taxes on refund gasoline under the provisions of this Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed. Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; and a seller's paid invoice covering the refund gasoline described in each certificate of purchase submitted, with the words "Refund Gasoline" and the certificate of purchase serial number written on the face of the invoice; provided, that if all refund gasoline purchased as indicated on one certificate of purchase is not used during any three (3) months period, the applicant shall not make claim for refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of purchase may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

The purchaser shall certify on his application for refund that he has provided a suitable container in which to store all refund gasoline purchased by him under certificate of pur-

chase, and that such refund gasoline is kept separate from all other gasoline at all times. Applicant for refunds shall also certify that said refund gasoline container is marked in paint contrasting in color to the background paint, in letters not less than two (2) inches high, the words "Refund Gasoline."

§ 8. Audits and Investigation of Refunds. The Department is hereby authorized and directed to audit the claims for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of any refund application, or if there appears to be any erasure on the seller's paid invoice accompanying the certificate of purchase, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for investigation the matter to the county attorney of the county in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his findings to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used for the operation of a motor vehicle on the public highways; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the depart-

ment finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

§ 9. Refunds To Be Made. When the Department finds that any refund application has been properly executed and that the applicant has complied with the requirements of this Act, it shall promptly approve such application, and credit the amount of excise tax which should be paid thereunder to the applicant, and said approved claim for refund shall be paid without interest, as other claims on the State Treasury are paid, from funds allocated by subsection (2) of KRS 47.010, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of refund gasoline covered by any claimant's application during the period covered by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the payment of an approved claim shall not be delayed more than four (4) months.

§ 10. Each seller of refund gasoline shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all invoices on all such refund gasoline sold by him under certificate of purchase provided for in this Act, which shall give the date of each sale, the amount of refund gasoline sold, the name of the

person to whom sold, the sale price, the amount of gasoline included in the sales price, the serial number of the certificate of purchase against which the gasoline was delivered, and the statement written across the invoice, "Refund Gasoline".

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

§ 11. Suspension; Revocation; Criminal Penalties. (a) It shall be unlawful for any person to make a false or fraudulent statement in an application for a permit, or in a certificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes or to knowingly aid or assist in making any such false or fraudulent statement or claim; or, after having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for the operation of a motor vehicle on the public highways; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The purchaser's permit of any person who shall violate any provision of paragraph (a) of this section shall be revoked by the Department and may not be reissued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both.

(c) Any seller who shall violate any provision or paragraph (a) of this Section shall be fined not less than $100.00 nor more than $500.00, or imprisoned not exceeding one year, or both.

(d) The Purchaser's permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this section, may be suspended by the Department for any period in its discretion not exceeding six (6) months.

(e) Any person who shall knowingly violate any provision of this Act, other than those contained in paragraph (a) of this section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding section.

§ 12. Appeals. Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated

in KRS 131.110 and 131.120, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

§ 13. Erroneous Refunds. If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action instituted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such refunds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for the operation of a motor vehicle on the public highways; or in any other manner in violation of this Act, he shall become indebted to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this section, shall be deposited with the State Treasurer and credited to the State Road Fund. Three-fourths (¾) of the twenty per cent (20%) collection penalty provided in this section shall be deposited with the State Treasurer and credited to the

Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

§ 14. Provision for Administration. The Department is hereby authorized to employ additional persons, in accordance with the provisions of KRS 42.110 and 42.120, and incur travel, rental, and other current and capital expenses, necessary to properly accomplish the purposes of this Act to protect the gasoline tax revenues of the Commonwealth.

There is hereby established a "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litigation in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for purchaser's permit.

2. All fines and penalties, except those provided in Section 13 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refund claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during

the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred therefrom to the State Road Fund for the purpose of construction, reconstruction, maintenance, and repair of roads, highways, and bridges, as provided by subsection (2) of KRS 47.010. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

§ 15. Whereas, the United States of America is now engaged in a global war, and President F. D. Roosevelt as Commander-in-Chief of the Army and Navy has demanded a maximum production of all farm, livestock, dairy and poultry products in order to maintain the Army and Navy with food, and to supply food to the oppressed nations now under the Axis power as fast as our Armed Forces can liberate them, and

Whereas, farm and livestock producers are in immediate need of taxfree gasoline in order to efficiently and cheaply operate stationary engines and tractors to maintain maximum production in livestock, dairy, poultry and farm products. An emergency is declared to exist, and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

Said Substitute was then adopted.

Mr. Hammons moved that said bill be made a Special Order of the Day for Tuesday, February 8 at two o'clock P. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 32. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 132.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each tax commissioner, from his knowledge, from information in property schedules and from such other evidence as he may be able to obtain, shall assess all the real and personal property in his county at its fair cash value and the property of one person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another. Any grossly discriminatory valuation shall be construed as an intentional discrimination. It shall be his duty personally or through a deputy to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property to secure the assessment lists and to view the property.

(2) If the county tax commissioner assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer, the tax commissioner shall serve notice on the taxpayer of such increase before the beginning of the inspection period. The notice may be given by registered mail or as provided in the Civil Code of Practice.

(3) Any person who fails to supply the county tax commissioner with a complete list of his property and the value thereon in accordance with the requirements of the schedule prescribed for the listing of property within five days after the tax commissioner has given the taxpayer written notice by registered letter to list, shall be subject to a fine of not exceeding fifty dollars, and may be proceeded against as provided in KRS 132.570 and 132.580.

(4) When the tax commissioner gives a notice by registered mail he shall secure a return receipt. The tax commissioner shall be allowed twenty cents for each notice given by registered mail, upon presentation of the return receipt to the Department of Revenue, from the appropriation from which county tax commissioners are paid.

(5) Any taxpayer may designate on his assessment schedule any property which he does not consider to be subject to taxation and it shall be the duty of the tax commissioner to obtain and follow advice from the Department of Revenue relative to the taxability of such property.

(6) Any taxpayer who has a reasonable excuse for not listing his property before the county tax commissioner or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the county tax commissioner. This shall be a compliance with the law in his particular case.

Mr. Runyon offered the following amendment to said bill, viz.:

Amend H. B. 32. on page 2, section 3 line 20 to 26 inclusive by the elimination of Section 3.

Mr. Rhoads moved that said amendment be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Rhoads and Creasy were as follows, viz.:

Those who voted in the affirmative were—

Fred Carpenter	John P. Craig	Adron Doran
Willis Champion	Thos. S. Dawson	Bernie S. Edlin

Albert W. Pfeiffer E. A. Spencer Geo. W. Steinford
L. Allen Rhoads —10

Those who voted in the negative were—

Chas. W. Anderson	W. H. Hunt	Wade H. Riley
Henry Arrowood	Lee Johnson	H. G. Royalty
F. H. Bassett, Jr.	Wm. E. Justice	Amos Runyon
Isaac Blevins	H. Clay Kauffman	Carl Scheben
Douglas T. Bolling	M. Kavanaugh	F. W. Schuhmann
J. C. Bradley	Homer E. Losey	Vernon Seaton
Chas. W. Burnley	A. L. Love	Leon J. Shaikun
C. D. Call	Pearl McKinney	Jno. W. Simmons
Jno. H. Clarke, Jr.	Ed Marcum	Faust Y. Simpson
A. Roy Copeland	Johnston Miller	Robt. J. Spaulding
Marvin Cornett	Harry L. Moore	Arthur Stallard
John Henry Cox	Herbert V. Moore	Joe Stewart
Fred Creasey	J. Lee Moore	Thos. M. Swope
J. R. Dorman	L. D. Moore	C. W. Taylor
Harry W. Ennis	W. B. Moser	Egbert V. Taylor
Dr. J. C. Gabbard	C. Sid Nabb	Roy L. Taylor
Chas. B. Gentry	Coy C. Nevitt	H. Thieman, Jr.
Franklin Goins	Jno. C. Newcomb	Otis C. Thomas
Claude Hammons	Joe E. Nunn	E. B. Thompson
B. C. Holbrook	H. C. Patterson	John L. Trumbo
Benton Howard	James T. Philpott	S. J. Wagner
Clyde S. Howard	L. W. Preston	Harry F. Walters
Jerry F. Howell	Kleber F. Price	R. E. West
J. J. Huff	Edw. P. Prichard	Taylor Witt
W. N. Hughes	C. R. Reeves	—74

Mr. Runyon moved that said amendment be now adopted.

Mr. Hammons moved that said bill be recommitted to the Committee on Ways and Means with instructions.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 37. An Act relating to elections.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive five dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

§ 2. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open continuously until 6 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

§ 3. Subsection (1) of Section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 6 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall

then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused", and place them, with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock, and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

§ 4. Subsection (3) of Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet, for the purpose of counting the ballots, issuing certificates and making a report, at 7 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the

day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except on Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 37 on page 1 section 1, line 3 by striking the word "five" and inserting in lieu therefor the word "three."

Mr. Losey offered the following amendment to said bill, viz.:

Amend H. B. 37 on page 1, section 1, line 3 by striking out "five Dollars" and inserting in lieu therefor "four Dollars."

Mr. Lee Moore moved that said bill be made a Special Order of the Day, for Tuesday, February 8 at two-thirty o'clock P. M.

Mr. Bolling moved that said amendment as offered by Mr. Losey be laid on the table.

Said motion was agreed to.

The yeas and nays being required thereon by Messrs. Bolling and J. Lee Moore, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Anderson	Chas. W. Burnley	John Henry Cox
F. H. Bassett, Jr.	Fred Carpenter	John P. Craig
Isaac Blevins	Willis Champion	Thos. S. Dawson
Douglas T. Bolling	A. Roy Copeland	J. R. Dorman

Bernie S. Edlin	Joe E. Nunn	Jno. W. Simmons
Harry W. Ennis	H. C. Patterson	Robt. J. Spaulding
Franklin Goins	Albert W. Pfeiffer	E. A. Spencer
Jas. P. Hallahan	Sylvester Phillips	Joe Stewart
Benton Howard	James T. Philpott	C. W. Taylor
Paul S. Jonas	J. Gip Prather	Egbert V. Taylor
H. Clay Kauffman	Kleber F. Price	Roy L. Taylor
A. L. Love	Edw. P. Prichard	H. Thieman, Jr.
Pearl McKinney	James E. Quill	Otis C. Thomas
C. C. May	C. R. Reeves	E. B. Thompson
J. Lee Moore	L. Allen Rhoads	S. J. Wagner
L. D. Moore	Wade H. Riley	Harry F. Walters
W. B. Moser	Amos Runyon	R. E. West
C. Sid Nabb	F. W. Schuhmann	Taylor Witt
Jno. C. Newcomb	Leon J. Shaikun	—56

Those who voted in the negative were—

Henry Arrowood	Clyde S. Howard	Harry L. Moore
C. D. Call	Jerry F. Howell	Herbert V. Moore
Jno. H. Clarke, Jr.	J. J. Huff	Coy C. Nevitt
Marvin Cornett	W. N. Hughes	H. G. Royalty
Fred Creasey	W. H. Hunt	Carl Scheben
Adron Doran	Wm. E. Justice	Faust Y. Simpson
Dr. J. C. Gabbard	M. Kavanaugh	George T. Smith
Chas. B. Gentry	J. T. Linton	Geo. W. Steinford
J. D. Gross	Homer E. Losey	Thos. M. Swope
R. M. (Coke) Hall	Ed Marcum	John L. Trumbo
B. C. Holbrook	Johnston Miller	—32

And so said bill was tabled.

Mr. Moser of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill entitled:

H. B. 2. An Act relating to public holidays.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill into the possession of the Chief Clerk.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Without, objection the following bills were introduced, viz.:

By Messrs. Hall and Jonas.

H. B. 212. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 2. Subsection (10) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(10) "Commissioner" means the Commissioner of Alcoholic Beverage Control.

§ 3. Subsection (13) of section 241.010 of the Kentucky Revised Statutes is amended to read as follows:

(13) "Department" means the Department of Alcoholic Beverage Control.

§ 4. Subsection (36) of section 241.010 of the Kentucky Revised Statutes is repealed.

§ 5. A new section of the statutes is created to be numbered KRS 241.015 and to read as follows:

There is created a Department of Alcoholic Beverage Control, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall consist of the Commissioner of Alcoholic Beverage Control and the Alcoholic Beverage Control Board. The commissioner shall head the department, shall be its executive officer, and shall have charge of the administration of the department and perform all functions of the department not specifically assigned to the board.

§ 6. Section 241.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages.

(2) A Distilled Spirits Unit, under the supervision of the board, shall administer the laws in relation to traffic in distilled spirits and wine.

(3) A Malt Beverage Unit, under the supervision of the board, shall administer the laws in relation to traffic in malt beverages.

§ 7. Section 241.030 of the Kentucky Revised Statutes is amended to read as follows:

The Alcoholic Beverage Control Board shall consist of the Commissioner of Alcoholic Beverage Control and two persons appointed by the Governor for terms of four years each. One of such persons shall serve as Administrator of the Distilled Spirits Unit, and the other shall serve as Administrator of the Malt Beverage Unit, as indicated by the Governor in making the appointments. The commissioner shall be chairman of the board. The two administrators shall each receive a salary of four thousand dollars per annum.

§ 8. Section 241.050 of the Kentucky Revised Statutes is repealed.

§ 9. A new section of the statutes is created to be numbered KRS 241.065 and to read as follows:

(1) The board shall act as the sole wholesaling agency in this state in the sale, distribution, importing and exporting of distilled spirits and wine. To that end, the board may obtain, by lease or agreement, after receiving competitive bids, lands and buildings necessary for the purpose of its functions as wholesaling agency, but the board may not purchase any real estate except with the approval of the Governor.

(2) The board may purchase and operate vehicles for the transportation of distilled spirits and wine, but shall so conduct its operations as wholesaling agency as to provide wherever practicable for the transportation to be handled by persons licensed under KRS Chapter 243 whose licenses authorize them to transport such beverages. For such purpose the board may issue special permits authorizing transportation direct from manufacturer to retailer.

(3) The board may purchase distilled spirits and wine manufactured in this state or outside this state, and provide for the storage and transportation thereof. The board may sell and cause to be delivered to any licensed retailer in this

state any of such distilled spirits and wine, or may sell and export any of the same to persons outside of this state who are authorized by the laws of the state of their residence and by the laws of the United States to receive the same, but no distilled spirits or wine shall be exported except by common carrier. Upon making any sale to a licensed retailer in the state, the board shall fix the minimum resale price at which the distilled spirits or wine may be sold by the retailer. All sales by the board shall be at such price as is determined by the board.

(4) The board may authorize sales and deliveries of distilled spirits and wine by manufacturers licensed in this state to persons outside this state who are authorized by the laws of the state of their residence and by the laws of the United States to receive the same, under such regulations as the board may prescribe.

(5) The board shall not incur any obligation in the purchase of distilled spirits or wine in excess of the amount of funds available to the board for such purpose. All sales of distilled spirits and wine by the board shall be for cash.

(6) The board may contract for the bottling of distilled spirits and wine under particular brands.

(7) The board shall have all powers necessary for the expeditious performance of its functions as a wholesaling agency.

§ 10. Section 241.070 of the Kentucky Revised Statutes is repealed.

§ 11. Subsection (1) of section 241.080 of the Kentucky Revised Statutes is repealed.

§ 12. Section 241.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) No member of the board or employee of the department shall have any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit.

(2) No person shall be disqualified under this section solely by reason of his membership in a club.

(3) If a member of the board is disqualified or fails to give bond and take the oath of office, the Governor shall fill the vacancy by appointment for the period during which that member of the board remains disqualified or fails to qualify.

§ 13. Subsection (1) of section 241.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge shall be disqualified to act as county administrator by any fact that would disqualify a person under KRS 241.100 from acting as a member of the board.

§ 14. Subsection (3) of section 242.250 of the Kentucky Revised Statutes is amended to read as follows:

(3) This chapter shall not prevent any manufacturer of alcoholic beverages, or any distributor of malt beverages, or the State Board of Alcoholic Beverage Control, or any authorized agent from making contracts of barrel, case or package lots in any dry territory, if his distilleries, breweries, wineries or warehouses are located in that territory, and his products are to be shipped into territory, either within or without the state, where alcoholic beverages may lawfully be sold.

§ 15. Section 242.260 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person or public or private carrier to bring into, transfer to another, deliver or distribute

in any local option territory any alcoholic beverage, regardless of the name by which it may be called. Each package of such beverage so brought, transferred or delivered in such territory shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer or any authorized agent of a distiller, manufacturer or distributor from transporting or causing to be transported by a licensed carrier any intoxicating liquors to their distilleries, breweries, wineries or warehouses where the sale of such liquors may be lawful, either in or out of the state.

§ 16. Section 242.280 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful for any person of dry territory to receive or accept any alcoholic beverage from a common carrier or from any person who has transported such liquor in or into such territory for compensation, hire or profit of any kind whatsoever either directly or indirectly. Each and every package of said alcoholic beverage so received or accepted shall constitute a separate offense. Provided, however, that nothing herein shall be construed to prevent any distiller or manufacturer of alcoholic beverages or any authorized agent of a distiller or manufacturer or distributor from receiving or accepting any alcoholic beverages which are to be sold in a territory where the sale of such beverages may be lawful either in or out of the state.

§ 17. Subsection (2) of Section 243.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 243.720 to 243.860, unless the context requires otherwise:

(a) "Alcohol," "bottling," "department," "Licensee," "malt beverage" and "manufacturer" have the meaning given to them in KRS 241.010.

(b) "Retail container" means any bottle, can, barrel or other container which, without a separable intermediate container, holds a malt beverage and which is suitable and destined for sale to a retail outlet, whether it is suitable for delivery to the consumer or not.

(c) "Retail outlet" means retailers, hotels, restaurants, railroad dining cars, clubs and any person who sells malt beverages to consumers or to any person other than a manufacturer licensed by this state or a wholesaler licensed by this state or some other state or a retail outlet licensed by this state or some other state or a state alcoholic beverage corporation.

(d) "Retail sale" means sale by a retail outlet.

(e) "Wholesaler" means any person who distributes malt beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of retail outlet.

§ 18. Section 243.030 of the Kentucky Revised Statutes is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the Administrator of the Distilled Spirits Unit, the fees for which shall be:

(1) Distiller's license, per annum, ... $ 500.00

(2) Rectifier's license, per annum, ... $1,500.00

(3) Blender's license, per annum, ... $ 500.00

(4) Vintner's license, per annum, ... $ 500.00

(6) Retail package license, per annum:

(a) In counties containing cities of the first class, ... $ 500.00

(b) In counties containing cities of the second class, ... $ 400.00

(c) In counties containing cities of the third class, ... $ 300.00

(d) In counties containing cities of the fourth class, ... $ 200.00

(e) In all other counties, ... $ 100.00

(7) Retail drink license, per annum:

(a) In counties containing cities of the first class, ... $ 700.00

(b) In counties containing cities of the second class, ... $ 400.00

(c) In counties containing cities of the third class, ... $ 300.00

(8) Transporter's license, per annum, ... $ 10.00

(9) Dining car license, per annum, ... $ 50.00

(10) Special nonbeverage alcohol vendor's license, per annum, ... $ 2.00

(11) Special industrial alcohol license, per annum $ 2.00

(12) Special non-industrial alcohol license, per annum, ... $ 2.00

(14) Special storage or warehouse license, per annum, ... $ 50.00

(15) Special temporary license, per month or part of month one-sixth of the fees enumerated in subsection (7).

(16) Special private club license, per annum, ... $ 150.00

(17) Such other special license as the board may find necessary for the proper regulation and control of the traffic in distilled spirits and wine and may provide for by regulation.

In fixing the amount of license taxes that are required to be fixed by the board, it shall regard for the value of the privilege granted.

§ 19. Section 243.070 of the Kentucky Revised Statutes is amended to read as follows:

The city legislative body of any city in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only such licenses may be issued as correspond, in their provisions and the business authorized, to the licenses provided for in subsections (1), (2), (3), (6), (7), (15), and (16) of KRS 243.030 and subsections (1), (2), (3) and (6) of KRS 243.040. The fees imposed shall not exceed twice the amount of the fees imposed in KRS 243.030 and 243.040 for such licenses, except that the fee for a malt beverage retailer's license may be fixed at not exceeding two hundred dollars, the fee for a brewer's license shall not exceed five hundred dollars, and the fee for a distiller's license shall not exceed five hundred dollars.

§ 20. Section 243.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, each kind of license listed in KRS 243.030 shall be inconsistent with every other kind listed in that section and no person holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030.

(2) The holder of a retail package license may also hold either a retail drink license or a special nonindustrial alcohol license. The holder of a transporter's license may also hold a special storage or warehouse license. The holder of a distiller's license may also hold a rectifier's license.

(3) Any person may hold two or more licenses of the same kind.

(4) An applicant shall not evade the prohibition against applying for or holding licenses of two kinds by applying for a second license under the cloak of a separate corporate entity. The state administrator may examine into the ownership and management of corporations which apply for or hold licenses, and shall deny the application for a license to any party substantially interested in an incompatible license.

§ 21. Subsection (1) of section 243.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Sales and deliveries of distilled spirits and wine may be made at wholesale, and from the licensed premises only:

(a) By distillers to rectifiers, vintners, holders of special nonbeverage alcohol licenses so far as they may make the purchases, or other distillers;

(b) By rectifiers to vintners or to distillers if distilled spirits sold to distillers are packaged in retail containers:

(c) By vintners to rectifiers or other vintners, or to the holders of special nonbeverage alcohol licenses;

(d) By distillers, rectifiers or vintners to the State Alcoholic Beverage Control Board; or

(e) By distillers, rectifiers or vintners for export out of the state, when authorized by the State Alcoholic Beverage Control Board.

§ 22. Sections 243.160 and 243.170 of the Kentucky Revised Statutes are repealed.

§ 23. Section 243.240 of the Kentucky Revised Statutes is amended to read as follows:

A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. Such a licensee shall purchase distilled spirits and wine in retail packages only and only from the State Alcoholic Beverage Control Board. He may sell only to consumers and may make deliveries only at the premises designated in his license.

§ 24. Section 243.250 of the Kentucky Revised Statutes is amended to read as follows:

A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wine only from the State Alcoholic Beverage Control Board and unless he holds a retail package license he shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces, but mixed drinks may be bought in containers of a capacity not smaller than twelve ounces, if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the sale of distilled spirits or wine by the package.

§ 25. Section 243.340 of the Kentucky Revised Statutes is repealed.

§ 26. Subsection (1) of section 243.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person, except an applicant for renewal of the same license for the same premises, or an applicant for an industrial alcohol license or a nonindustrial alcohol license shall, before applying for any license under KRS 243.030, advertise his intention to apply, by inserting in a newspaper of general circulation in the county in which are located the premises for which the license is sought, at least once a week

for two consecutive weeks before the application is filed, a concise advertisement. The advertisement shall state the name and address of the applicant if he is an individual, the names and addresses of the members of a partnership if the applicant is a partnership, as well as the name of the business and its address, or, if the applicant is a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself; the location of the premises for which the license is sought, and the type of license to be applied for. If there is no newspaper of general circulation in the county, the advertisement shall be published by a newspaper published in the closest adjacent city that has a newspaper of general circulation in that county.

§ 27. Subsection (2) of section 243.400 of the Kentucky Revised Statutes is repealed.

§ 28. Subsection (1) of section 243.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the department, the department may require the distiller, rectifier or vintner to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the department shall forthwith suspend the license of the distiller, rectifier or vintner.

§ 29. Section 243.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the state administrator approves the application he shall issue the proper license.

(2) No retail drink, retail package, or special private club license shall be issued in less than ten days or delivered in less than fifteen days from the time the application and

remittances were received by the department; except that a retail package, retail drink, or special private club license shall not be issued to an applicant who has not held a license during the same or preceding license period, or for a premises for which a license has not been issued during the same or preceding period, in less than twenty days or delivered in less than thirty days from the time the application and remittances were received by the department. All remaining licenses provided for in KRS 243.030 shall be issued at any time when, in the sound discretion of the Distilled Spirits Administrator, all of the information necessary has been obtained.

§ 30. Section 243.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the proceedings for the revocation of any license under KRS 243.520 the Alcoholic Beverage Control Board, or the local alcoholic beverage administrator, may in its or his discretion, as the case may be, order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500; provided, however, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars per day; wholesale beer licensees, one hundred dollars per day; retail drink liquor licensees, twenty-five dollars per day; retail package liquor licensees, twenty-five dollars per day; retail beer licensees, ten dollars per day; all remaining licensees, ten dollars per day. Said sums shall be paid to the department, deposited into the State Treasury and credited to the General Expenditure Fund; provided, however, that one-half of any amount paid in lieu of a suspension of a wholesale beer license, rectifier license, retail package license, retail drink

license or retail beer license over which a city or county administrator has jurisdiction shall be returned to the officer authorized to issue the local license in the respective city or county for deposit and use as alcoholic beverage license tax receipts of the city or county are deposited and used.

(2) Appeals from orders of suspension and the procedure thereon shall be the same as provided for in orders of revocation in KRS 243.550 to 243.590.

§ 31. Section 243.490 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 to 243.670 may be revoked by the state board if the licensee shall have violated any of the provisions of Chapter 241, 243 or 244, or any rule or regulation of the board relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any Act of Congress or any rule or regulation of any Federal board, agency or commission, or any ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of any local alcoholic beverage authority or any similar body heretofore in existence or authorized by the terms of Chapters 241, 243 and 244 to be created, or if any clerk, agent, servant, or employe of any licensee shall violate any of the laws, regulations or ordinances above referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked for any cause which the Alcoholic Beverage Control Board in the exercise of its sound discretion deems sufficient. A license may be revoked for any of the reasons for which the administrator would have been required to refuse a license if the facts had been known.

§ 32. Section 243.500 of the Kentucky Revised Statutes is amended to read as follows:

Any license issued under KRS 243.020 or 243.670 must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employe for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) Violation of the provisions of KRS 243.670.

(4) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employes for any violation of the terms and provisions of Chapter 241, 243 and 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the board made in pursuance thereof.

(6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

§ 33. Section 243.540 of the Kentucky Revised Statutes is amended to read as follows:

When a license issued under KRS 243.020 to 243.670 has been revoked the former licensee may, under the supervision of the state administrator, dispose of and transfer his stock of alcoholic beverages to a licensee, but such a disposition of stock in hand shall not be delayed longer than ninety days in the case of distillers, rectifiers or vintners, longer than thirty days in the case of distributors nor longer than twenty days in the case of retailers.

(2) Transfers under subsection (1) shall not be deemed violations of the provisions of KRS 243.120, 243.250 or 243.-300.

§ 34. Section 243.685 of the Kentucky Revised Statutes is amended to read as follows:

(1) Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky upon the order of or at the direction of the War Production Board or any other agency created under any National Defense Act, shall, during the period of the unlimited National Emergency proclaimed by the President of the United States on May 27, 1941 (F.R. Doc. 21-3808; filed May 28, 1941; 9:45 a. m.), be exempt from the manufacturing and import taxes imposed by subsections (1) and (2) (a) of KRS 243.680, subject to such regulations as the department may prescribe.

(2) Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky for industrial purposes as distinguished from beverages purposes, and under circumstances such as to render the same free from the payment of internal revenue taxes under the laws of the United States, shall be exempt from the manufacturing and import taxes imposed by subsections (1) and (2) (a) of KRS

243.680, subject to such regulations as the department may prescribe.

§ 35. Section 243.700 of the Kentucky Revised Statutes is amended to read as follows:

No suit shall be maintained to restrain or delay the collection or payment of the tax levied by KRS 243.680 or 243.690. The aggrieved taxpayer shall pay with or without protest and may at any time within two years from the date of payment sue the state through its agent, the Department of Alcoholic Beverage Control, in an action at law in any state or Federal court, otherwise having jurisdiction of the parties and subject matter, for the recovery of the tax paid and legal interest on the tax from the date of payment. If it is finally determined that the tax or any part thereof was wrongfully collected, for any reason, the Commissioner of Alcoholic Beverage Control shall notify the Department of Finance which shall draw a warrant on the State Treasurer for the amount of the tax adjudged to have been wrongfully collected together with legal interest thereon. The State Treasurer shall pay the same at once out of the General Expenditure Fund, a separate suit need not be filed for each individual payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.

§ 36. Section 243.706 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person desiring to manufacture distilled spirits in lieu of tax-paid distilled spirits destroyed as set out above shall apply to the board for the issual of duplicate permits, and the board shall at once issue duplicate permits to the owner of the distilled spirits so destroyed for the same number of gallons as were destroyed by fire as set out above. There shall be no charge for the issual of said permits, but the manufacturer making such application shall furnish definite proof:

(a) That the distilled spirits so destroyed were tax-paid under the provisions of KRS 243.680 or said section as amended;

(b) That the distilled spirits so destroyed had not been sold by the manufacturer thereof prior to the time of the destruction;

(c) That said spirits were still stored on the premises where manufactured, or immediately adjacent to the premises where manufactured.

(d) The number of proof gallons destroyed;

(e) The cause of said destruction and that said destruction was accidental and not the fault of the owner thereof.

(2) Provided that the board may accept the same proof of loss as that furnished to the United States Government under similar circumstances.

§ 37. Section 243.710 of the Kentucky Revised Statutes is repealed.

§ 38. Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $1.50 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

(2) As used in KRS 243.730 to 243.860, "alcoholic beverage" applies only to malt beverages.

§ 39. Subsection (4) of section 243.740 of the Kentucky Revised Statutes is amended to read as follows:

The department may order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the department.

§ 40. Section 243.790 of the Kentucky Revised Statutes is amended to read as follows:

The sale or distribution of alcoholic beverages manufactured in or imported into this state for shipment permanently out of the state to be sold through retail outlets without the state and consumed without the state shall not be subject to the tax imposed by KRS 243.720. Provided, however, the department may, when necessary for the purpose of control enforcement or protection of revenue, prescribe the conditions under which containers of such alcoholic beverages for shipment permanently out of the state to be sold through retail outlets without the state and consumed without the state may be kept and trafficked in without payment of the tax.

§ 41. Section 243.850 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of assisting in the enforcement of KRS 243.720 to 243.860 or any amendment thereof, every licensee except retailers, whether subject to the payment of taxes imposed by said sections or any amendment thereof, shall, on or before the fifteenth day of each month, render to the Department of Alcoholic Beverage Control a sworn or affirmed statement, in writing, of all his trafficking in alcoholic beverages during the preceding month. Such statement shall be taken directly from the records of the reporting licensee, and shall set forth on forms furnished by the department such information as shall be required by it. Such statement shall include alcohol destined for sale outside the state, as well as alcoholic beverages subject to the tax imposed by KRS 243.720 to 243.860 or any amendments thereof. Provided, that the

department shall have authority to require from retail licensees, and other licensees, other reports and statements at such times as are necessary for the enforcement of KRS 243.720 to 243.860 or any amendments thereof.

§ 42. Section 243.870 of the Kentucky Revised Statutes is repealed.

§ 43. Subsection (11) of Section 243.990 of the Kentucky Revised Statutes is repealed.

§ 44. Section 244.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee under KRS 243.020 to 243.670 shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of the consumer, nor shall any such licensee receive or accept any order that has been solicited or received at the residence or place of business of the consumer.

(2) Subsection (1) shall not prohibit the solicitation by a distiller, rectifier, brewer or vintner of an order from any distributor at the licensed premises of the distributor nor the solicitation by a distributor of an order from any retailer at the licensed premises.

§ 45. Section 244.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No brewer or distributor shall sell any alcoholic beverages to any person in this state for any consideration except for cash paid at or before the time of delivery.

(2) No brewer or distributor shall furnish or deliver any bottled malt beverage without collecting a minimum container charge or deposit of sixty cents per case of twenty-four

twelve ounce bottles or the equivalent thereof, in the same manner that the price of the malt beverage is collected.

(3) This section shall not prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by the purchaser, for containers or as a deposit on containers when the title is retained by the vendor, if the containers or packages have been returned to the brewer or distributor.

(4) No right of action shall exist to collect any claim for credit extended contrary to this section.

(5) This section shall not apply to sales by distributors to licensees that are private clubs or voluntary associations.

§ 46. Section 244.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person holding any license under KRS 243.020 to 243.670 shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(a) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within the last two years.

(b) Is under the age of twenty years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a manufacturer maintained in a building separate from the warehouses or factory.

(c) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, provided the above residence requirement shall not apply to

persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(d) Within two years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other Act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of Chapter 241, 243 and 244 or of any other such Act or ordinance.

(2) Violation of this section shall subject both employer and employe to penalties provided in this chapter, and shall be cause for revocation of license.

§ 47. Section 244.240 of the Kentucky Revised Statutes is amended to read as follows:

No distiller, rectifier, or vintner and no employe, servant or agent of a distiller, rectifier or vintner shall

(1) Be interested directly or indirectly in any way in any premises where distilled spirits or wine is sold at retail or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail.

(2) Make or cause to be made any loan to any person engaged in the manufacture or sale of distilled spirits or wine at retail.

(3) Make any gift or render any kind of service whatsoever, directly or indirectly, to any licensee under KRS 243.030 which in the sound judgment of the board may tend to influence the licensee to purchase the product of the distiller, rectifier or vintner.

(4) Enter into a contract with any retail licensee under KRS 243.020 to 243.670 whereby the licensee agrees to con-

fine his sales to distilled spirits or wine manufactured or sold by one or more of such distillers, rectifiers or vintners. Such a contract shall be void.

§ 48. Section 244.250 of the Kentucky Revised Statutes is amended to read as follows:

No distiller, rectifier or vintner shall furnish or cause to be furnished to any licensee any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the regulations of the board.

§ 49. Sections 244.260 and 244.270 of the Kentucky Revised Statutes are repealed.

§ 50. Subsection (2) of section 244.280 of the Kentucky Revised Statutes is repealed.

§ 51. Section 244.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding one quart each of distilled spirits or fifty-five gallons each of wine, and containing not less than twenty ounces each, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. If the licensee also holds a retail package license, the containers may contain as little as eight ounces of distilled spirits and six ounces of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

§ 52. Sections 244.380 to 244.470 of the Kentucky Revised Statutes are repealed.

§ 53. Subsection (1) of Section 244.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall, for the first offense, be fined not less than one hundred nor more than two hundred dollars or imprisoned in the county jail or workhouse for not more than six months, or both; and for the second and each subsequent violation, he shall be fined not less than two hundred nor more than five hundred dollars or imprisoned in the county jail or workhouse for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

§ 54. Subsection (8) of Section 241.060 of the Kentucky Revised Statutes is repealed.

§ 55. Section 47.030 of the Kentucky Revised Statutes is repealed.

§ 56. Any retailer of distilled spirits or wine who sells distilled spirits or wine at a price less than the minimum resale price fixed by the State Alcoholic Beverage Control Board shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than six months, or both, and his license shall be revoked by the board.

§ 57. There is appropriated to the Department of Alcoholic Beverage Control, out of the General Fund for the fiscal

year 1944-1945, the sum of five hundred thousand dollars. Such sum shall be placed in a special fund in the State Treasury and shall constitute a permanent revolving fund for the use of the department. Such receipts from the sale of distilled spirits and wine by the State Alcoholic Beverage Control Board as are necessary to maintain such fund at five hundred thousand dollars shall be paid into such fund. All receipts in excess of that amount shall be credited to the General Fund in the State Treasury.

§ 58. This Act shall become effective on July 1, 1944.

By Mr. Scheben.

H. B. 213. An Act relating to local health units.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any county containing a city of the second class the fiscal court of the county and the legislative body of the city of the second class may, by joint action, establish a city-county health department. The department, when established, shall be governed by a city-county board of health, which shall consist of the chief executive officer of the city of the second class, the county judge, and five persons appointed by joint action of the chief executive officer and county judge. Not more than three of the appointed members may be physicians. The appointed members shall serve for terms of four years, except that the first members appointed shall be so appointed that the term of one member shall be for one year, the terms of two members for two years, and the terms of two members for three years. Each appointed member shall receive the sum of five dollars for each meeting of the board he attends, which shall be paid out of the funds of the department. Vacancies in the appointed memberships

shall be filled by appointment by the chief executive officer of the city and the county judge.

§ 2. The expense of creating and establishing the city-county department of health shall be paid by the city of the second class and by the county in such proportion as may be agreed upon between the city legislative body and fiscal court at the time of establishing the department. After the department has been established the annual expense of maintenance shall be borne in the same proportion, or as may be agreed upon between the city legislative body and fiscal court, and the city legislative body and fiscal court shall each make an annual levy sufficient to produce the necessary amount.

§ 3. The city-county board of health may appoint a health officer, who shall serve for a term of four years, subject to removal for cause, and may employ such assistant health officers and other employees as are necessary for the work of the department. The compensation of the health officer, assistant health officer and other employes shall be fixed by the board, subject to the approval of the city legislative body and fiscal court. The health officer must have the qualifications set forth in subsection (2) of KRS 212.180.

§ 4. The city-county board of health and department of health shall have such powers, duties and privileges as are given by law to county boards and departments of health.

§ 5. The health officer appointed by the city-county board of health shall have such powers and duties as are vested by law in health officers of county departments of health.

§ 6. Upon the establishment of a city-county department of health under this Act, the property of the city board of health of the city of the second class and the property of the county board or department of health shall be transferred to the city-county department, and the city-county

board of health shall assume control of any institutions formerly under the control of the city or county board or department of health.

§ 7. The city-county department of health shall have jurisdiction over the entire county, including all cities within the county.

§ 8. Any city-county department of health established under this Act shall be entitled to the same state aid as is provided for county and district health departments under KRS 212.120, upon notice of the establishment of the department being given to the State Board of Health as provided in KRS 212.120.

By Mr. Swope.

H. B. 214. An Act relating to the tax on manufacturing, shipping etc. of distilled spirits.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 243.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall manufacture distilled spirits in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax of ten cents for each proof gallon of distilled spirits for which the permit is issued.

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state without first obtaining a per-

mit from the department and paying a tax of ten cents on each proof gallon contained in the shipment.

(b) No railroad company or express company shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment.

(c) The permit shall be in a form prescribed by the department, and all shipments into the state shall be governed by regulations promulgated by the department.

(d) A railroad or express company need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

§ 2. Section 243.690 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in the business of blending, rectifying or mixing distilled spirits, without obtaining from the department a permit to blend, rectify or mix distilled spirits. An excise tax of ten cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing.

(2) A person engaging in the business of blending, rectifying or mixing distilled spirits shall report on or before the tenth day of the succeeding month, in such form and stating such facts as may be prescribed by the department, the amount of distilled spirits blended, rectified or mixed during the preceding month. At the time of making the report, he shall pay the tax due under this section.

§ 3. Any permit issued under the provisions of KRS 243.680 or 243.690 prior to the effective date of this Act shall

be valid for the number of gallons for which the permit was issued.

By Mr. Peterson.

H. B. 215. An Act providing bond with good surety for County clerks, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That county clerks, county sheriffs, county jailors and circuit clerks, in counties containing a population of 75,000, or more, who are required under Section 106 of the Constitution to pay the fees collected by them into the state treasury, are hereby authorized to require any deputy appointed to execute bond with good surety to be approved by the officer appointing such deputy, that he will faithfully discharge the duties of his office. A deputy who shall have such bond executed by an incorporated surety company, authorized to do a surety business in the State of Kentucky, and shall pay the premium on such bond, shall have a valid claim against the State for the amount paid for such premium and such claim shall be paid in the same manner as other claims are paid; provided, however, there is available for use by the officer appointing such deputy, fees heretofore paid into the State treasury by the officer appointing such deputy, which are sufficient for the payment of said premiums in addition to the other official expenses of such officer theretofore incurred, which are entitled to be paid out of such fees and, provided further, that payment of said premiums shall be made only from the fees theretofore paid into the State Treasury by the officer who appointed such deputy; provided further, that in each case in which a claim is made for the payment of a premium on the bond executed, as above set out, the deputy execut-

ing the bond as principal shall verify the claim by his affidavit and the amount of premium to be paid on the bond shall be approved by the officer who appointed such deputy and who shall have approved the bond.

By Mr. Harry L. Moore.

H. B. 216. An Act relating to the limitation of action against sheriffs and their sureties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 134.270 of Kentucky Revised Statutes be amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

Neither the sheriff nor a surety shall be liable for any act or default of the sheriff in connection with his revenue duties unless notice of the act or default giving rise to a claim upon the bond has been given to the surety by the Department of Revenue, the county judge, the county attorney or other person asserting the claim within ninety days after discovery or at the latest within four years after the end of the year within which the bond was executed.

By Mr. Philpott.

H. B. 217. An Act relating to county health officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever the county judge of a county which has established a county department of health determines there is an absolute necessity that a physician attend a person who

is unable to pay for such service, or whenever an accident occurs and no doctor is available in the immediate vicinity, the said county judge may by written order direct the county health officer to perform such emergency services as are reasonably necessary. The county health officer shall, if he is in the county, forthwith perform the services directed by the county judge. The necessary expenses for such emergency service shall be paid by the fiscal court of the county.

§ 2. Any county health officer willfully failing to perform the services authorized by the county judge as provided in section one of this Act shall be fined not less than one hundred nor more than five hundred dollars.

By Mr. Linton.

H. B. 218. An Act relating to child labor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. During the duration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, and for six months thereafter, KRS 339.110 shall be suspended in so far as it prohibits the working of a person under sixteen years of age more than eight hours on Saturday, or after six o'clock in the evening on Saturday.

By Mr. Ennis.

H. B. 219. An Act relating to fish and game.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Angling" means taking fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grappling hooks, naked hooks, snatch hooks, gang hooks, gigs and net of any kind, or the taking of fish where the bait or hook is not voluntarily taken into the mouth by the fish, or the taking of fish by and means prohibited by KRS 150.445.

§ 2. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3) and (4) of this section:

(a) No person sixteen years of age or older shall use a gun or take wild animals or wild birds, or take fish by angling or buy the pelts of wild animals for commercial purposes, without first having secured a license therefor as provided in this chapter;

(b) No person under sixteen years of age shall take wild animals except by trapping or buy the pelts of wild animals for commercial purposes or take wild birds without having first procured a license therefor as provided in this chapter; and

(c) It is the specific purpose of this chapter to prohibit the taking of any wild life or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein.

(2) Landowners, their resident children and lessees on their land may without a license take fish from the waters therein, by angling from the bank or shore only, and take wild animals and wild birds therefrom subject to the further provisions of this chapter.

(3) Nonresidents attending and participating in any annual state or national field trial need not obtain a hunting license.

(4) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animals that is causing damage to such land or to any personal property located thereon, if such landowner immediately reports the killing to a conservation officer or to the county sherff, together with proof of the damage caused by the animal, and at the same time delivers the body of the animal to such officer or sheriff. Any animals delivered to a conservation officer or sheriff under this subsection shall be disposed of as provided by regulations of the Division of Game and Fish.

§ 3. Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Rabbits, mussels, fish other than black bass, channel or fiddler cats under eleven inches in length, sturgeon or hackleback, crappie, jack salmon or walleyed pike or striped bass, sand pike or sauger, and the pelts of fur-bearing animals may be bought and sold, if they are in legal possession.

(2) Except as provided in subsection (4) and KRS 150.290, no wild animal, wild bird or fish, other than those named in subsection (1), protected by this chapter shall be bought or sold.

(3) Except as provided in subsection (4) of this section and KRS 150.290, no person for himself or as agent or employe shall transport or direct to be transported any wild birds, wild animals or fish protected by this chapter, except that a person who has been issued a license under this chapter and has the license in his possession may transport anywhere as part of his personal baggage a quantity of wild birds, wild

animals or fish not in excess of two days' bag limit at the time of transporting.

(4) This section shall not in any way interfere with the buying, selling and transporting of the skins of fur-bearing animals, nor the transporting of any wild animals, wild birds or fish by the authorized officers of the Division of Game and Fish.

(5) After procuring a license as provided in KRS 150.220, a retail dealer may have in his possession a total of fifty rabbits in any one day, and a wholesaler may have in his possession a total of five hundred rabbits in any one day.

§ 4. Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees for licenses for residents of Kentucky shall be as follows:

(a) Fishing license $1.00

(b) Seining license and one tag for one hundred feet of seine or part thereof, ... 5.25

(c) Additional tags per one hundred feet of seine or part thereof, ... 2.00

(d) Hoop net license, ... 1.25

(e) Each additional hoop net, ... 1.00

(f) County hunting license, ... 1.00
A county hunting license authorizes the holder to hunt within the boundaries of the county for which it is issued and the holder need not be a resident of such county.

(g) State-wide hunting license, ... 3.00
A State-wide hunting license authorizes the

holder to hunt in any county without paying any additional fee.

(h) Trapping license, ... 1.00
(i) Fur buyers or dealers, ... 2.00
(j) Live bait dealers, ... 5.00

(k) Ferret permit, ... 2.00

(l) Rabbit retail dealer, ... 5.00

(m) Rabbit wholesaler, ... 50.00

(2) The fees for licenses for nonresidents of Kentucky shall be as follows:

(a) Fishing license (season), ... 2.50

(b) Fishing license (for seven consecutive days) 1.00

The county clerk shall state in the license the day the license begins.

(c) Seining license, ... 10.50

(d) Tags per one hundred feet of seine or part thereof, ... 4.00

(e) Hoop net license, ... 2.50

(f) Each additional hoop net, ... 2.00

(g) Hunting license, ... 15.50

(h) Trapping license, ... 10.50

(i) Fur buyers or dealers, ... 75.00

(j) Ohio River fishing license (season), ... 1.00

This license to be issued only to citizens of Ohio, Indiana and Illinois, and to authorize fishing only in the Ohio River.

(k) Seining license (Ohio River) and one tag for one hundred feet of seine or part thereof (to

be issued only to citizens of Ohio, Indiana and Illinois, and to authorize seining only in the Ohio River, ... 5.25

(1) Additional tags per one hundred feet of seine or part thereof (Ohio River), ... 2.00

(m) Hoop net license (to be issued only to citizens of Ohio, Indiana and Illinois, and to authorize hoop netting only in the Ohio River, ... 1.25

(n) Each additional hoop net (Ohio River), ... 1.00

(3) The director may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes. These permits shall be valid for one year and shall show the period of their validity. The fee for such permit shall be one dollar.

(4) No person shall take wild animals, birds or fish protected by this chapter without having the license provided therefor in his possession and the button or badge provided with the license attached on the outside of his clothing in a conspicuous manner, and if a person takes fish with a seine or hoop net he must also have a fishing license, and display the badge or button.

(5) The licenses and tags provided for by paragraphs (j), (k), (l), (m) and (n) of subsection (2) of this section shall be issued by the division directly or through any person, resident or nonresident, designated by the division as agent for the purpose. Any agent so designated shall be entitled to retain a fee of twenty-five cents out of the money received by him for each seine license and hoop net license and fifteen cents for each fishing license, additional hoop net tag and each additional one hundred feet of seine or part thereof.

§ 5. Section 150.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take a wild bird except with bow and arrow or with a gun, which gun shall not be larger than a ten gauge fired from the shoulder. If a shotgun is used, the magazine shall be plugged with a solid wooden or metal plug in such a way that the gun will hold not more than three cartridges.

(2) No person shall hunt birds with lights or other means used to blind birds at night.

§ 6. Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take or have in his possession any wild birds except during the open season for the particular species. For the purpose of establishing open season for wild birds, the state is divided into two districts. One district, to be known as the Northern District, shall consist of the counties of Meade, Bullitt, Spencer, Anderson, Woodford, Jessamine, Fayette, Clark, Powell, Menifee, Morgan, Johnson and Martin, and all counties north of those counties. The other district, to be known as the Southern District, shall consist of the remaining counties of the state. The open season for quail or bob white in the Northen District shall be November 10 to December 31. The open season for quail or bob white in the Southern District shall be November 24 to January 14. The open season for ruffed grouse or native pheasant in both districts shall be December 1 to December 15. There shall be no open season on wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt so to do, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it. No person over sixteen years of age shall hunt any wild ducks, geese or brant unless at the

time, in addition to the appropriate state hunting license, he has on his person a valid migratory bird hunting stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

§ 7. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

No person shall, in any one day, take more wild birds for which there is an open season, than the bag limit for the species as set out herein:

Quail	12
Ruffed Grouse or Native Pheasant,	2
Doves,	Federal Regulations apply.
Ducks,	Federal Regulations apply.
Geese,	Federal Regulations apply.
Coots and Gallinule,	Federal Regulations apply.
Woodcock,	Federal Regulations apply.
Snipe,	Federal Regulations apply.

No person shall take more than ten ruffed grouse or native pheasant during any open season for such birds.

§ 8. Section 150.350 of the Kentucky Revised Statutes is repealed.

§ 9. Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take wild animals protected by this chapter except by trapping, gig, bow and arrow, gun, gun and dog, or dog.

(2) A gun used in taking wild animals shall be no larger than a ten gauge and fired from the shoulder. If it is a shotgun, the magazine, if any, shall be plugged with a solid wooden

or metal plug in such a way that the gun will hold not more than three cartridges.

(3) No person shall hunt rabbits with lights or other means used to blind rabbits at night.

(4) No person shall use a gig other than one of the following sizes and dimensions: The gig shall not have more than four prongs; no prong shall be longer than two and one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.

§ 10. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. No person shall have in possession any wild animal or freshly skinned hide or fur thereof unless it was taken during the open season for the particular species. For the purpose of establishing open seasons for wild animals the state is divided into two districts, which shall be the same as those created by subsection (1) of KRS 150.330. In the Northern District, the open season for rabbit shall be November 10 to December 31. In the Southern District, the open season for rabbit shall be November 24, to January 14. In both districts the open season for mink, opposum, raccoon, skunk, muskrat and red fox shall be December 1 to January 31; for squirrel, August 1st to September 15, and November 24 to December 31; and for pond, bull or jumbo frogs, June 1 to May 1. Opossum and raccoon may also be hunted and taken by dog only from November 1 to January 31. There shall be no open season for otter and beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this

exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the freshly skinned hide or fur thereof, when the season is not open shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to the possession of any skunk, red fox, muskrat or mink or freshly skinned hide or fur thereof, between January 31 and February 15, nor to the possession of any raccoon or opossum, or freshly skinned hide or fur thereof between January 31 and February 15.

(4) A "freshly skinned hide or fur," for the purposes of this section, means a hide, fur or pelt which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(5) No person shall send or take, or cause to be sent or taken, out of this state, bring or cause to be brought into this state, in any one day, a number of wild animals in excess of the legal day's bag limit for an individual hunter.

§ 11. Subsection (2) of section 150.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall take fish or attempt to take fish from any of the public waters of this state during the period from May 1 to May 29 (both days included) each year, except with a pole and line in navigable streams below the last lock and dam.

§ 12. A new section of the statutes is created to be numbered and read as follows:

150.445 (1) No person shall take fish by the use of a trot line, hand line, set line or throw line with hooks attached to the line, or to leaders, in such a manner that the hooks may be brought closer than thirty-six inches, apart, or by use of more than one of such lines in such a way as to bring the hooks attached to one line closer than thirty-six inches to the hooks attached to the other line.

(2) No person shall use, in taking fish, any line treated with a substance designed to attract animal or plant life, or insect life.

§ 13. Subsection (1) of Section 150.450 of the Kentucky Revised Statutes is amended to read as follows.

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with seine, but the seine shall not be more than ten feet in length and four feet in width or height, with mesh not larger than one-fourth inch. Any fish caught which are excluded from the definition of minnows in KRS 150.010 shall be immediately returned without injury to the water from which they are taken.

§ 14. Section 150.460 is amended to read as follows:

(1) No person, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that injures, interferes with, or causes the waters to be unfit for the support of aquatic life. When an employe of a person in the course of his employment places or causes to be placed any such substances in any public waters, his act shall be prima facie evidence of the guilt of both the employe and the employer, and either one or both may be punished as provided in paragraph (a) of subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense.

(2) No person shall willfully and knowingly kill, injure, shock or stun, or attempt to kill or injure, shock or stun any fish by any explosive agent or similar substance.

(3) No person shall willfully place or attempt to place in any of the public waters of the state, for the purpose of taking fish, any substance which has a poisonous effect or intoxicating effect on aquatic life.

§ 15. Subsection (2) of section 150.470 of the Kentucky Revised Statutes is amended to read as follows:

(2) No person shall take or have in his possession any black bass under eleven inches in length, nor any crappie under eight inches in length, nor any channel or fiddler cat under ten (10) inches in length, nor any jack salmon or walleyed pike, sand pike or sauger under thirteen inches in length.

§ 16. Section 150.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before a person engages in the business of buying furs and skins of fur-bearing animals, he shall secure a license from the director.

(2) No fur buyers license shall be issued to a resident of a state or county which does not grant equal privileges to citizens of this state.

(3) Every licensed fur dealer shall issue a receipt to each person from whom he purchases furs or skins of fur-bearing animals, setting forth the number and kind of furs or skins, the date of the purchase, and the price paid for each fur or skin. The dealer shall make out a duplicate receipt at the same time, and obtain the signature and address on such duplicate of the person from whom the furs or skins were purchased. On or before the end of each license year the dealer shall send the duplicate recipts to the division, and

may be required by the division to send in the duplicate receipts more often. Failure to send in as directed bars licensee from obtaining license for the following year.

§ 17. Subsections (3) and (4) of section 150.990 of the Kentucky Revised Statutes are amended to read as follows:

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsection (2) of KRS 150.180, KRS 150.300, 150.330, 150.390, or KRS 150.485, shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Any person who violates subsection (2) or subsection (3) of KRS 150.460 shall be guilty of a felony and imprisoned not less than one nor more than three years and fined not more than five hundred dollars.

By Mr. Thompson.

H. B. 220. An Act relating to when motor vehicles may be purchased out of state funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 44.050 of the Kentucky Revised Statutes is amended to read as follows:

Motor vehicles, when may be purchased out of state funds. (1) No state officer or member of a board or com-

mission created by the laws of this State shall purchase or contract to purchase any motor passenger vehicle on behalf of or on account of the State, or for the use of any state officer or any member, agent or employee of any board or commission created by the laws of this State, or for the use of any person engaged in performing services for this State, except vehicles necessary for the use of the Governor, the Lieutenant Governor when acting as Governor, the Department of Highways and its employees, and the head and the inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, nor shall any payments be made for the purchase of such vehicles, except those permitted by this section, out of state funds or money paid into the State Treasury.

(2) No person except the Governor, the Lieutenant Governor, the Department of Highways and its employees and the head and inspectors of the Department of Mines and Minerals, and the Adjutant General of the Department of Military Affairs, shall use or operate any passenger motor vehicle owned by the State.

(3) The Department of Military Affairs is hereby authorized to purchase from state funds, motor trucks to be used in the carrying out of the functions of this department and it is further provided that the Department of Military Affairs may acquire motor vehicles by gift or transfer from the Federal Government for use in said department.

Now, therefore, an emergency hereby is declared by the General Assembly to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Justice.

H. B. 221. An Act relating to oil and gas royalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every operator of an oil well or gas well under lease or contract which provides for the payment of a royalty to the owner of the land or mineral rights based on the quantity of oil or gas produced from the well shall install a meter at a point in the lines on the land of such owner which will correctly measure the quantity of oil or gas passing from the wells on such land, and which has an open face that may be read by the owner. Every operator shall also, at each time royalties are due under the lease or contract, furnish to the owner a written statement showing the quantity of oil or gas that has been produced from the wells on the land of such owner since the last previous payments.

§ 2. Any person who violates any of the provisions of section 1 of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day that a meter remains uninstalled after a well has been placed in operation shall constitute a separate offense.

By Mr. Justice.

H. B. 222. An Act relating to police for cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 95.710 of the Kentucky Revised Statutes is amended to read as follows:

(1) To be eligible for appointment as a member of the police force of a city of the fourth class a person must be a

citizen of the state, a resident of the county for at least six months, at least twenty-four years of age, able to read and write the English language intelligently, and sober, moral and sagacious. No person who has been convicted of a felony shall be eligible for appointment. After appointment no member shall interfere in any election. If it is possible to secure such a person, the appointee shall have been a resident of the city for at least six months in addition to the other required qualifications; but should the city legislative body determine a person meeting this added qualification cannot be secured, a residence of six months in the county shall be sufficient.

By Mr. Moser.

H. B. 223. An Act relating to the treatment of persons having a venereal disease.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person infected with a venereal disease shall, immediately upon acquiring knowledge of such infection, apply to a public health unit, or if none is available, to a private physician, for treatment for such disease, and shall thereafter continue to take treatment until the prescribed course of treatment is completed.

§ 2. Any person who violates any of the provisions of section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than five days nor more than thirty days, or both. Each day that a person fails to apply for treatment after acquiring knowledge of his infection, or fails to continue treatment as prescribed, shall constitute a separate offense.

By Mr. Goins.

H. B. 224. An Act relating to hunting game on Sunday.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (6) of section 436.160 of the Kentucky Revised Statutes is repealed.

By Mr. Reeves.

H. B. 225. An Act to provide for the amendment of the Constitution, relating to the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended through the enactment of the following new section:

(1) At the general election at which members of the House of Representatives are to be elected in 1947, and every four years thereafter, there shall be elected for four years one representative in every representative district.

(2) The General Assembly shall, in 1948 and thereafter, meet annually on the first Tuesday after the first Monday in January.

(3) Beginning in 1948, the members of the General Assembly shall receive one hundred dollars per month compensation for the months the General Assembly is not in session.

§ 2. This amendment shall be submitted to the people in the manner provided by Section 256 and 257 of the Constitution of Kentucky and by Section 118.430 of the Kentucky Revised Statutes.

By Mr. Biggers.

H. B. 226. An Act relating to the compensation of persons employed to do stenographic work.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The General Assembly finds that the minimum fair wage for persons employed to do stenographic work involving the use of a typewriter is a wage at the rate of eighty-five cents per hour.

§ 2. No person employing a person to do stenographic work involving the use of a typewriter shall pay such person less than the minimum fair wage prescribed by section 1 of this Act.

§ 3. Every county, city and board of education of this state that employs, either directly or through an officer or department, or that is required by law to pay the compensation of, a person to do stenographic work involving the use of a typewriter, shall pay such person a wage not less than the minimum fair wage prescribed by section 1 of this Act, and, in the case of an employment on an annual basis, shall pay such person a wage not less than one hundred dollars per month. Any statute permitting a lower rate of compensation is intended to be superceded by this section.

§ 4. Any person who violates section 2 of this Act shall be fined not less than one hundred dollars nor more than five

hundred dollars, and the employe with respect to whom the violation occurred shall have a cause of action against the employer for the amount of the difference between the wage actually paid and the minimum fair wage prescribed by section 1 of this Act, together with liquidated damages equal to three times such difference.

§ 5. In the case of a violation of section 3 of this Act, any public officer who participated in causing the violation, either by authorizing the payment of a wage less than that required by section 3 of this Act, or by failing to take action that would have prevented the violation, shall be subject to the same criminal and civil liability as provided in section 4 of this Act.

By Mr. Lee Moore.

H. B. 227. An Act appropriating money from the General Fund to the Department of Agriculture for Bang's Disease and Bovine Tuberculosis.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the General Fund for the fiscal year ending June 30, 1944, to the Department of Agriculture, for the payment of indemnity for Bang's Disease and Bovine Tuberculosis and the ordinary recurring expenses involved in paying such indemnity, to supplement an appropriation made by the 1942 General Assembly, the sum of Five Thousand, Seven Hundred Dollars.

§ 2. WHEREAS, the amount appropriated by the 1942 General Assembly for the purpose of paying indemnity for Bang's Disease and Bovine Tuberculosis during the fiscal year ending June 30, 1944, has not been sufficient to pay all

lawful claims for cattle destroyed on account of such diseases, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Riley.

H. B. 228. An Act relating to the license tax on carnivals and circuses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 137.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in the occupation of operating a carnival or circus in this state until he has paid the Department of Revenue the fees prescribed in this section and obtained a license therefor. Before the first showing in this state, each person so engaged shall pay the following fees for the calendar year, or fraction thereof:

(a) For each carnival or circus transported and shown in this state on twenty-five or less trucks, or ten or less baggage or railroad cars, or the equivalent thereof, a fee of five hundred dollars.

(b) For each carnival or circus transported and shown in this state on twenty-six or more trucks, or eleven or more baggage or railroad cars, or the equivalent thereof, a fee of one thousand dollars.

(c) In the case of a carnival or circus owned by a resident of this state who owns real estate in this state and pays property taxes thereon, and who stores the equipment of such carnival or circus in this state when not in operation, the fee shall be one-half of the fee prescribed by paragraph (a) or (b) of this subsection.

(2) Any carnival or circus operating solely in connection with a state or county fair shall be exempt from the provisions of this section for the duration of such fair.

(3) Any person operating a carnival or circus in this state without having first paid the fee and obtained the license prescribed in this section shall be subject to a penalty of twenty per cent of the amount of the license fee, in addition to the fee itself, and six per cent interest until paid.

By Mr. W. H. Hunt.

H. B. 229. An Act relating to mining.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 351.010 is amended to read as follows:

(2) Except as the context otherwise requires, this chapter, insofar as it applies to coal mines, shall apply only to commercial coal mines.

§ 2. A new section of the Kentucky Revised Statutes is created, to be numbered subsection (3) of section 351.010, to read as follows:

(3) The provisions of this chapter, where applicable, shall extend to commercial clay and fluorspar mines.

Ordered that said bills be printed and referred.

Mr. Quill moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.